

AN
ABRIDGMENT
OF THE
PUBLICK LAWS
OF
VIRGINIA,
IN
FORCE and USE,

JUNE 10. 1720.

To which is added, for the Ease of the
Justices and Military Officers, &c.

PRECEDENTS of all Matters to
be issued by them, peculiar to those Laws;
and varying from the Precedents in Eng-
land.

by Colo William Beverley.

THE SECOND EDITION.

L O N D O N :

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Little Britain. 1728.

*Note. - This is almost a facsimile of the 1st ed.
which was published in 1722.*

Law
Office



To His Excellency

Alexander Spotswood,

His Majesty's Lieutenant Governor and Commander in Chief of VIRGINIA, Vice-Admiral of the same, and all the adjacent *Seas*.

S I R,



HAVING observed a great Desire in the People for some Years past, and their many Petitions to the late Assemblies, to obtain the Printing of their Laws, and that
 A 2 those

The Dedication.

those Desires were also countenanced by the last Assembly; but not hearing that the Laws at large are likely to receive that Benefit in any short time, I was willing to make an Offering to my Country of the following Abridgment, which I had made for my private Use. This may be an Ease and Satisfaction to many, 'till the larger Volume can be procured.

To your Excellency, therefore, who are an earnest Protector of Law and Liberty, I make bold humbly to address it; with this Assurance, that if you find it perfect, it will obtain your Countenance and Approbation: But if not, then my honest and good Intention will plead for your Pardon and Protection; seeing, that in an Inclination to ease and benefit

The Dedication.

nefit the Country, I only copy
your great Example, whose daily
Study is to do so.

HENCE it is, that when you
found your self under a Necessity
of putting an unequal Militia Law
in Execution, at that Instant you
studied the Benefit of all, even of
the clamorous themselves; and so
contrived, that by cantoning the
Counties into small Districts, and
forming the Troops and Compa-
nies in those Cantons, you made
that easy to the People, which all
along had been so burthensome
and unequal: For whereas before
many People used to be called
thirty or forty Miles to a private
Muster, whilst others went but
three or four; by your wise or-
dering of the *Cantons*, none now
go above ten Miles.

The Dedication.

SUCH likewise has been your Care and Conduct in all your other Administrations of Government, with a dutiful Regard to the Honour and Right of the Sovereign, and a just Care of the Improvement and Protection of the Country.

FROM You came that comfortable Rise of our TOBACCO, the Recovery of a lost *Indian* Trade, and the unparallel'd Advance of the Crown Revenues in your time; 'till by the Interposition of some Merchants in *England*, you met with fresh Curbs from Home. By you alone is our Navigation secured in your generous Suppression of that Arch-Pirate *Tach*, and his Crew of Rogues, at the Expence and Hazard of your private Purse.

BY

The Dedication.

BY your Care is our College revived and rebuilt, which you found in a long Desolation under burnt and ruined Walls; the Children of our *Indian* Tributaries instructed in Letters and Christianity, who never had any Care of that Nature extended to them before; and their rude Parents brought under better Rule and Order than ever.

AND from you proceed the vast Extension and Security of our Frontier Settlements, unprecedented to former Times, and other innumerable Benefits which we daily experience of your Influences.

YOUR Administration here is the Honour of *Britain*, and the greatest

The Dedication.

greatest Happiness that ever be-
fel VIRGINIA ; raising it from
Need and Indigence, to a flou-
rishing Plenty and Prosperity,
with an Increase of Virtue and
good Manners.

THAT You may long enjoy
the Pleasure and Benefit of those
your Labours, is the hearty De-
fire of,

Your EXCELLENCY'S

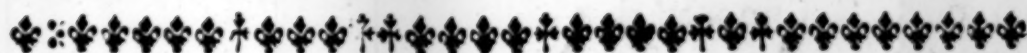
most Dutiful,

most Obliged, and

most Humble Servant.



*An ABRIDGMENT of the
Publick Laws of VIR-
GINIA, &c.*



JAMES City.

Church to be built, or Chappel of Ease.



FOR the Advancement of God's Glory, and the more decent Celebration of his Divine Ordinances, a Church shall be decently built in each Parish in the Country, unless any Parish as then settled, by Reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge: In which Cases, such Parishes shall be joined to the great Parish of the same County, and a Chapel of Ease built in such Places at the particular Charge of that Place.]

March 23.
166 $\frac{1}{2}$.

c. 1.

Vestries appointed.

FOR the making and proportioning of the Levies and Assessments for the Building and Repairing the Churches and Chapels, Provision for the Poor, Maintenance of the
B Minister,

c. 2.

An ABRIDGMENT of

1661 $\frac{1}{2}$

Minister, and such other necessary Uses, and for the more orderly Managing all parochial Affairs, *Enacted*, That twelve of the most able Men of each Parish, be by the major Part of the said Parish chosen to be a Vestry; out of which Number, the Minister and Vestry to make Choice of two Church-wardens yearly.

UPON the Death or Departure of any Vestry Man out of the Parish, the Minister and Vestry to make Choice of another to supply his Room.

No one shall be admitted of the Vestry that doth not take the Oaths of Allegiance and Supremacy to His Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of *England*.

Ministers to be inducted.

1642.

c. A.

FOR the Preservation of Purity, and Unity of Doctrine and Discipline in the Church, and the right Administration of the Sacraments: No Minister may be admitted to officiate in this Country, but such as shall produce to the Governour a Testimonial that he hath received his Ordination from some Bishop in *England*, and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England*, and the Laws there established; upon which the Governour is hereby requested to induct the said Minister into any Parish that shall make Presentation of him.

1661.

IF any other Person pretending himself a Minister shall contrary to this Act presume to teach or preach publicly or privately, the Governour or Council are hereby desired and impowered to suspend and silence the Person so offending: And upon his obstinate Persistence, to compel him to depart the Country by the first conveniency, as it hath been formerly provided by the 77th Act made at *James City*, the 2d of *March* 1642.

Ministers to provide Readers.

c. 5.

EVERY Parish not having a Minister to officiate every *Sunday*, to make choice of a grave and sober Person, of good Life and Conversation, to read Divine Service every intervening *Sunday* at the Parish-Church, when the Minister preaches at any other Place.

Liturgy to be Read.

1661/2

THAT the Canons set down in the Liturgy of the Church of *England*, for celebrating Divine Service, and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be by the Minister or Reader at Church and Chapel every *Sunday* throughly read.

c.6.

Church Catechism.

THAT neither Minister nor Reader teach any other Catechism, than that by the Canons appointed, and inserted in the Book of *Common-Prayer*.

c.7.

THAT the Minister expound no other than that.

THAT no Reader upon Presumption of his own Abilities, do attempt the expounding that or any other Catechism, or the Scriptures.

Ministers to preach weekly.

THAT the Minister of every Parish, preach constantly every *Sunday*; viz. one *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish-Church, and that twice in a Year, at least, he administer the Sacrament of the *Lord's-Supper* there.

c.8.

January 30th to be kept a Fast.

WHEREAS our late Surrender and Submission to that execrable Power, that so bloodily massacred the late King *Charles* the First, of ever-blessed Memory, hath made us, by acknowledging them, guilty of their Crimes, to shew our serious and hearty Repentance and Detestation of that barbarous Act; be it *Enacted*, That the 30th of *January*, the Day the said King was beheaded, be annually solemnized with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

c.10.

May 29th to be kept holy.

THE 29th of *May*, being the Birth and Return of King *Charles* the Second, an annual Holy-day.

c.11.

Church-wardens to make Presentment.

THAT the Church-wardens shall twice every Year, viz. in *December* Court, and *April* Court, deliver a true Presentment

c.12.

1665/2

sentment in Writing of such Misdemeanors as by their Knowledge or common Fame have been committed, whilst they have been Church-wardens, namely, Swearing, prophaning God's Holy Name, Sabbath abusing, contemning his Holy Word and Sacraments, or absenting themselves from the Exercise thereof: Also Drunkenness, Fornication, and Adultery; and of all malicious and envious Slandering and Back-biting: And shall cause all such Persons, upon whose Reports they ground their Presentments, to appear at the respective County Courts to which their Presentments are made, to give Evidence.

Burying Servants and others privately, prohibited.

c. 1A.

THAT there be in every Parish three or more Places set apart according to the Largeness of the Parish, and fenced in for Places of publick Burial.

THAT before the Corps be buried, there be, at least, three or four of the Neighbours called, who may in Case of Suspicion view the Corps, &c.

THAT no Persons, whether Free, or Servants, shall be buried in any other Place than those so appointed; unless such, who by their own Appointments in their Life-time, have signified their Desire of being interr'd in any particular Place elsewhere.

Church-wardens to keep the Church in Repair, and provide Ornaments.

c. 15.

CHURCH-WARDENS to keep the Church in Repair, provide Books and decent Ornaments, viz. a great Bible, two Common Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion this present Year, and after annually something towards Communion Plate, Pulpit Cloth, and Bell, as the Ability of the Parish will permit.

THEY shall collect the Ministers Dues, cause them to be brought to convenient Places, pay them, and account to the Vestry, who may discharge them.

Superfedeas, how, and by whom grantable.

WHEREAS the Writ of *Superfedeas* hath of late been too frequently granted upon slight Pretences, &c.

No *Superfedeas* to be granted, but by the Governour and two of the Council, nor by them, unless it probably appear

to

the LAWS of VIRGINIA.

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to them that there is Error in the Judgment; and upon good Security to make good the Plea.

1661/2

IF the Complainant shall be cast at the next General Court, he shall pay the Principal, with five and twenty *per Cent.* Damages, besides Costs.

No Commissioner, Clerk, or Sheriff, to be Attornies in the Court where they officiate.

THAT neither Sheriff, Commissioner, Under-Sheriff, or Clerk of a County Court, shall plead as an Attorney in any Person's behalf in the Court wherein he officiates, on Pain of a Fine of one Thousand Pounds of Tobacco, to the Use of the County.

C. 49.

Proviso. IF any poor Person, not able to plead his own Cause, shall request the Court to assign him one of the Commissioners to plead for him, it shall be lawful for the Court to grant it, and for the Commissioner to plead accordingly.

BUT the Counsellor, Commissioner, &c. so pleading the poor Man's Cause, not to give Judgment therein.

Provided also, THAT any Commissioner, Sheriff, Under-Sheriff, or Clerk, acting as General Attorney for any Person absent out of the County or Country, and negotiating their Affairs, such Persons notwithstanding this Act shall have Liberty also to plead and prosecute in any Case that shall any way concern their said Employers.

The Sheriff upon the Instance of the Treasurer or his Deputy, to collect the Quit-rents.

THAT the Sheriff, being his Majesty's immediate Officer, shall upon the Instance of his Majesty's Treasurer, or his Deputy here, receive all such Quit-rents as the said Treasurer or his Deputy shall give him Order to receive in his County: And that the said Quit-rents be paid as the Levies in the direct Specie of Tobacco or Money: And that no particular Fees or Debts be prefer'd before them, under like Penalty as for the Payment of other Debts before the Levies.

C. 52.

That is, 10,000 Pounds of Tobacco to the Use of the Publick. ACT 51.

B 3

Judgment

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Judgment before Commissioners.

1661/2

c. 61.

Enacted, THAT the voluntary Confession and Acknowledgment of a Debt by the Debtor under his Hand and Seal before two Commissioners, of which one of the *Quorum*; shall be accounted in Law in the Nature of a Judgment, the said Commissioners attesting the same under their Hands, and so certifying it to the Clerk of the County Court, to enter it upon Record. Upon which writing so acknowledged, attested, and recorded, Execution shall issue in case the Debt be not paid, as if Judgment had been granted for the same in open Court.

Provided, THAT if no Execution issue within a Year after such Acknowledgment, then a *Scire facias* shall issue before any Writ of Execution shall issue.

English Weights and Measures.

c. 63.

No Inhabitant, nor Trader hither, shall buy or sell, or otherwise make use of in Trading, any other Weights and Measures than are used and made according to the Statute in that case provided.

COMMISSIONERS of each County to provide at the Charge of the County sealed Weights of half Hundreds, Quarterns, half Quarterns, seven Pounds, four Pounds, two Pounds, and one Pound: Measures of Ell and Yard; of Bushel, half Bushel, Peck, and Gallon, Winchester Measure; Gallon, Pottle, Quart, Pint, of Wine Measure; out of *England*. That the said Weights and Measures be kept by the first in Commission at his Home, and with them a burnt Mark of and a Stamp for Leaden Weights, and Pewter Pots, whither all Persons not using Weights and Measures brought out of *England* and sealed there, shall bring all their Barrels (which are to contain five Bushels) and other Measures to be sealed; and their Stilyards to be tried.

ALL Persons selling by other Weights and Measures not sealed and tried as aforesaid, shall forfeit One Thousand Pounds of Tobacco: One Half to the Publick, the other Half to the Party that shall make his Complaint.

IF the Commissioners shall make default of providing such Weights, Measures, Seals, and Stamps, as by this Act they are enjoyn'd, by the first of *December* 1663. the said Commissioners shall be fined 5000 Pounds of Tobacco, to the Use of the Publick.

Divul-

Divulgers of false News.

1661/2
c. 91.

WHEREAS many idle and buisfy headed People, do forge and divulge false Rumours and Reports, to the great Disturbance of the Peace of His Royal Majesty's Leige People in this Colony:

Enacted, THAT what Person soever shall forge or divulge any such false Reports, tending to the Trouble of the Country; He shall be by the next Justice of the Peace sent for and bound over to the next County Court, where if he produce not his Author, he shall be fin'd Two Thousand Pounds of Tobacco, (or less if the Court think fit to lessen it.)

AND besides give Bond for his Behaviour, if it appears to the Court that he did maliciously publish or invent it.

Two Acres of Corn for each Titheable.

THAT all Persons shall plant or tend for every Titheable Person tending a Crop in their Family, two Acres of Corn or Pulse, under the Penalty of Five Hundred Pounds of Tobacco for every Acre neglected, to be levied by the Sheriff for the County's Use.

c. 112.

THE Grand Jury, to look strictly after the Breach of this Act.

SOWING of one Acre of Wheat, shall excuse the Planting of two Acres of Corn.

Masters of Ships to provide four Months Provision.

c. 126.

Enacted, THAT all Masters of Ships provide four Months Allowance of Victuals for Passengers, at their setting forth from the Downs, or other Ports of England, and give the Passengers sufficient Allowance of Diet all the Voyage; and Commanders of Ships respectively to take Care that poor Servants do not want Bedding in the Voyage.

IN which Particulars aforesaid, if any shall offend, they shall be liable to grievous Censure here, according to the Merit of the Offence.

An Act against Persons that refuse to have their Children baptized.

WHEREAS many Schismatical Persons, either out of Decem. 23. Averseness to the Orthodox Established Religion, or out of 1662,

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1662.

the new fangled Conceits of their own heretical Inventions, refuse to have their Children Baptized:

Enacted, THAT all and every Person and Persons that in Contempt of the Divine Sacrament of Baptism shall refuse, when He or They may carry their Children to a lawful Minister in that County where He or They dwell, to be baptized, shall be amerced 2000 Pounds of Tobacco, half to the Parish, and the rest to the Informer.

An Act for Punishment of scandalous Persons.

c. 5.

IN Actions of Slander occasioned by the Wife, after Judgment past for the Damages, the Woman shall be punished by Ducking, if the Husband refuse to pay the Damages; and if the Damages given be more than 500 Pounds of Tobacco, then the Woman to suffer a Ducking for every 500 Pounds of Tobacco.

An Act for the Half of all the Fines to be paid to the Informer.

Sept. 10.

1663.

c. 9.

WHEREAS several penal Acts of Assembly refer the Disposal of the Fines to the Assembly, who ever intended the half thereof to the Informer:

Enacted, THAT the Half of all the Fines incurred by any Person offending against any penal Law, be conferred on the Informer.

An Act for keeping holy the 13th of September.

c. 14.

WHEREAS it is evident that certain mutinous Villains had entered into such a desperate Conspiracy, as had brought an inevitable Ruin upon the Country, had not God in his infinite Mercy prevented it:

Enacted, THAT the 13th of September, the Day when this villainous Plot should have been put into Execution, be annually kept holy, to keep the same in perpetual Commemoration.

An Act concerning the Entertainment of Strangers.

c. 16.

WHEREAS it is frequent with divers Inhabitants of this Country, to entertain Strangers into their Houses, without making any positive Agreement with the Party, what he shall pay for his Accommodations; which if he lives causes many litigious Suits, and if the Stranger dies,
leaves

leaves a Gap open to many avaritious Persons to ruin the Estate of the Person deceased:

Enacted, THAT no Person, not making a positive Agreement with any one he shall entertain into his House for Diet or Storage, shall recover any Thing against any one so entertain'd, or against his Estate: But that every one shall be reputed to entertain those of Courtesy, with whom they make not a perfect Agreement.

An Act for Criminals to bear their own Charges.

WHEREAS the Charge of prosecuting Criminal Persons hath hitherto been usually defrayed, Part by the Publick, but most by those Counties where the Offenders dwelt, or the Fact was committed: For Avoidance of which Charge it is probable, that many lewd Livers by a too favourable Censure escape their deserved Punishments:

Octob. 23.
1666.
c. 13.

Enacted, THAT where the Person committed hath Estate sufficient to defray the Charge of his Prosecution, the Publick or County shall not be charged, but the Whole paid out of the Delinquent's Estate, and the Publick and County only then liable to satisfy, when no Estate, or not sufficient can be found.

An Act concerning the Property of Tobacco.

WHEREAS some Persons having both by Weight and Mark received, and yet by the Alteration of their own Occasions have after refused the Tobacco so received upon pretence of Non-acceptance, keeping the Specialties still in their Hands:

Sept. 17.
1668.
c. 8.

Enacted, THAT the Marking alone without weighing, doth transfer the Property of Tobacco to him that sets or causes to be set his Mark upon it. And that for ascertaining the Sum paid, if the Receiver have not Conveniency to weigh it when he marks it, then he that pays it away, may after ten Days Respite desire any Commissioner of that County to weigh the Tobacco, or cause it to be weighed; and the Attestation of the said Commissioner, or the Oath of the Person by him deputed, shall oblige the Creditor to allow the Quantity.

An Act against the Importation of Horses and Mares.

Enacted, THAT no Horses or Mares shall be imported into this Colony from any other Plantation or Government

Octob. 26.
1669.
c. 2,

what-

An ABRIDGMENT of

whatsoever; and if any be, the Sheriff of that County into which they shall be brought, is to make Seizure of them for the Use of the Publick, and to render an Account thereof to the next Assembly: And out of the Value the Moiety thereof to be allowed to the Informer.

An Act of free and general Pardon, Indemnity and Oblivion.

June 8.
1680.
C. 1.

PREAMBLE, upon the Rebellion raised by *Nathaniel Bacon Junior* deceased, which had seduced many of His Majesty's good Subjects, who have since by their dutiful Behaviour shewed themselves sensible thereof and repenting: And to the Intent that no Crime whatsoever committed against His Majesty and Government may hereafter rise in Judgment, or be brought in Question against any of them to their least Indamagement, either in Lives, Liberties, or Estates, or to the Prejudice of their Reputations by any Reproach or Term of Distinction, and to turn all Seeds of future Discord into utter Oblivion, and to put an end to all Suits, Quarrels, and Controversies, that by occasion of the said Rebellion have arisen, or may arise between any of His Majesty's Subjects:

Enacted, THAT all Manner of Treasons, Misprisions of Treason, Murders, Felonies, Crimes and Misdemeanors, committed, acted, counselled, or done by any Persons whatsoever, upon, or at any time before the 16th of *January* 1676. other than the Persons hereafter excepted, by Virtue or Colour of any Command, Power, Authority, Warrant, Commission, or Instructions from Sir *William Berkeley*, late Governour of *Virginia* deceased, or from any Person deriving mediately or immediately, any Commission, Power, or Authority from the Grand Assembly in *Virginia*, held in *June* 1676. or of and from *Nathaniel Bacon* deceased, assuming to himself the Authority of, or reputed to be Commander in chief of all the Forces in *Virginia*, by Land or Sea, or from any other Person pretending to derive any Authority from them, or either of them; be pardoned, released, discharged, and put into utter Oblivion.

All Persons, their Heirs, Executors and Administrators (except as hereafter excepted) that were actually ingaged in aiding, acting, or advancing, assisting, abetting, or counselling the said Rebellion, shall have and enjoy their Lands, Goods and Chattels forfeited to His Majesty for any of the Crimes aforesaid, in the same Manner, and as freely to all
Intent

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1680.

Intents and Purposes, as if they had not been forfeited; yet so as that they and their Estates shall be liable to their just Debts, as if they had committed no Crime. Except and always foreprized out of this Act, the said *Nathaniel Bacon*, Jun. the principal Contriver, Beginner and Maintainer of the said Rebellion, &c.

Enacted, THAT the said *Nathaniel Bacon*, Jun. shall be by Virtue of this Act, and is hereby adjudged to be convicted and attainted of High Treason, &c. as if convicted in his Life-time, and that all the Estate, real and personal, whereof he was seized the 5th of *June* 1676. or at any time after in *Virginia*, shall be forfeited and vested in His Majesty, his Heirs, &c. without any Office or Inquisition thereof to be hereafter taken or found.

Proviso, and *Enacted*, THAT this Act shall not extend to pardon or discharge, or give any other Benefit unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomsfrey*, *John Isles*, *Robert Stokes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were all legally convicted, attainted, and executed for their horrid Treasons and Rebellions, or to *Richard Lawrence*, who fired *James City*, and is fled; but that they and their Estates are out of this Act wholly excepted and foreprized.

Proviso, and *Enacted*, THAT if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Langston* shall at any Time after the passing of this Act, accept or exercise any Office or publick Employment in this Colony, then such as do accept or exercise as *aforesaid*, shall stand as if totally excepted by Name out of this Act.

Enacted, THAT no Suit be thereafter prosecuted for any Wrong or Injury done between the 1st of *May* and the 16th of *January* 1676.

Proviso, THAT where the Goods of any not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said 1st of *May* and the 16th of *January*, and shall be found in the Possession of any other Person; it shall be lawful for the Owner of such Goods, his Executors, or Administrators, to take, sue for, and recover the same by all legal Means, this or any other Law to the contrary notwithstanding.

Proviso, DESERTING Servants shall make no further Satisfaction for lost Time, than that between the said First of *May*, and Sixteenth of *January* 1676.

Enacted,

1680.

Enacted, THAT no Verdict, Judgment, Indictment, Informations, Decrees, Sentences, Probates of Wills, Administrations, Writs, or Actings on, or Return of Writs, Orders, or other Proceedings whatsoever in Law and Equity, had, made, given, taken, done, or depending in any Courts whatsoever, or before any Judges in *Virginia*, nor any Actings, Process, Proceedings, or Executions thereupon, had, made, given, done, or suffered before the passing of this Act here, shall be avoided for, or by reason that the Premises, or any of them were commenced or prosecuted before any Person assuming the Title of Governour, and was not legally so, or before any Person assuming the Title of Counsellor, and was not legally so; but all such Verdicts, Judgments, and other Things above-mentioned, and the Actings and Proceedings thereupon, shall be of such, and no other Force and Value, than as if such Person had been legally Governour or Counsellor.

AND whereas, during the Licentiousness of the late Times, several ill-disposed Persons took upon them to asperse the Government, and defame the Governour and chief Magistrates of the Country, raising false and scandalous Reports, without which the good Subjects could not have been so easily led away, and which cannot but tend to the future Disturbance of the Peace, &c.

Enacted, THAT whosoever shall maliciously and advisedly by Writing, Speaking, or otherwise, express, publish, utter, or declare any Words, Sentences, or other Thing or Things, to incite or stir up the People to the Dislike of any Person appointed by his Majesty to be Governour or Commander in Chief of the said Colony, or tending to the Dishonour, or Defaming of such Governour or Commander in Chief for the Time being, shall be imprisoned One Year without Bail, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of Five hundred Pounds to the King, his Heirs, &c.

AND in like manner, *Enacted*, That whosoever shall maliciously and advisedly by Writing, Speaking, or otherwise, express, publish, utter, or declare any Words, Sentences, or other Things to incite or stir up the People to the Dislike of his Majesty's Counsellors, Judges, or other principal Officers within the Colony, tending to the Dishonour or Defaming of the said Counsellors, Judges, or other principal Officers, shall be imprisoned three Months without

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1680.

without Bail, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of One Hundred Pounds to his Majesty, his Heirs, &c.

An Act prohibiting unlawful Disturbances of Divine Service.

c.13.

Enacted, THAT whosoever shall appear in any Church or Chapel in this Colony, whilst the Minister is exercising his ministerial Function, and shall disturb him by Words, or any other manner of Means whatsoever, or shall there appear in any unseemly or indecent Gesture, any Justice, Sheriff, or other Officers then present, shall put such Person so offending under Restraint, during Divine Service, who shall also for the first Offence be fined Two Hundred Pounds of Tobacco and Cask. And for every such Offence after in the like Quality Five Hundred Pounds of Tobacco and Cask; which Fines shall be levied by the Sheriff upon the Estate of such Person so offending, by Virtue of a Warrant from a Justice of the Peace.

SUCH Justice of the Peace, who shall refuse or neglect to put this Law into severe Execution, shall be fined Five Hundred Pounds of Tobacco and Cask, to the use of the Parish for every such Neglect.

An Act imposing further Penalties upon any Person or Persons that shall publish or declare, that the Acts of Assembly of Virginia are not of Force.

Enacted, THAT if any Person shall maliciously and unadvisedly publish and declare by Words or Writing, that the Acts of Assembly of Virginia not repealed, expired, vacated, or annulled by the King's most Excellent Majesty, are not of Force or Binding within this Colony, such Person so offending shall be adjudged, deemed, and taken to be factious and seditious, and a Contemner of the Laws, and shall for the first Offence be fined One Thousand Pounds of Tobacco, and suffer one Month's Imprisonment without Bail: And for the second Offence Two Thousand Pounds of Tobacco, and Two Months Imprisonment; and for every such Offence after, double the Penalties and Forfeitures aforesaid.

Nov. 10.
1682.
c.8.

ONE half to His Majesty, his Heirs and Successors, and the other half to the Informer, to be recovered by Action of Debt in any Court, &c. which said Penalties are to be

added

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added and imposed over, and besides all other Punishments that may be legally inflicted on such Offenders.

James City.

An Act for the better Preservation of the Peace of Virginia, and preventing unlawful and treasonable Associations.

April 16.

1684.

c. 2.

IF any Persons, to the number of eight or more, shall go about with Force unlawfully to pull up or destroy Tobacco Plants, either in Beds or Hills growing, or destroy the same curing or cured, or to pull down, burn, or destroy the Houses or other Places where such Tobacco shall be, or to pull down the Fences of any Tobacco Plants, with intent to cut up and destroy the same: And such Persons being commanded in His Majesty's Name, or required by the Governour, one of the Council, or a Justice of Peace to disperse themselves and peaceably to depart to their Habitations, shall continue together four Hours after such Proclamation, (if it be made at or near the Place of Concourse:)

THEN every such Person so willingly assembled in forcible manner to do any of the Acts aforesaid, and so continuing together shall be deemed and adjudged Traytor, and shall suffer Death, and lose and forfeit as in Cases of High Treason.

Proviso, PROSECUTION be made within twelve Months.

April 16.

1691.

c. 12.

An Act declaring the Duty of Tanners, Curriers, and Shoe-makers.

No Person whatsoever which shall tann Leather by himself or others, shall suffer any Skin to lye in the Limes till the same be over-limed, nor shall put any Hides or Skins into any Tan-fats before the Lime be well and perfectly fokened and wrought out.

NOR shall put to Sale any tann'd Hides or Skins, but such as shall be sealed by the Viewers appointed in this Act, on Forfeiture of what shall be offered to Sale.

No Person to curry any Leather, but what shall be well and perfectly tann'd.

NOR curry any Hide or Skin being not throughly dry after his wet Season with any other than good Stuff, nor with less of that than the Leather will receive.

NOR

the LAWS of VIRGINIA.

15

1691.

NOR curry any Leather meet for over Leather and inner Soles but with good Stuff, being fresh and not salt.

PENALTY for every such Offence, ten Shillings to the Owner of each Hide or Skin so damnified.

COUNTY Courts respectively for the time being, shall appoint one or more fit Persons from time to time to search and try all such curried Leather.

THE Viewers shall with convenient speed, after request made, seal such Leather as they shall find sufficiently curried.

The Viewers Fee.

FOR sealing Hides *per Dicker*, or ten Hides, 2 s. 6 d.

FOR Calves Skins, six Dozens, 2 s. 6 d.

No Shoe-maker shall make, or cause to be made, any Boots, Shoes, or Slippers, or any Part of them of *Virginia* Leather not curried; other than Deer-skins, Calf-skins, or Goat-skins made and drest, or to be made and drest like unto *Spanish* Leather, but of Leather well and truly tanned and curried, or tanned only and sewed with good Thread well twisted and made, and sufficiently waxed, with Wax well rosined, and the stitches hard drawn with hand Leather.

THE County Courts shall appoint and swear yearly one or more honest and skilful Men within their Counties, To search and view within the Precincts of their said Offices as often as need shall be, and shall seal and mark such Leather as they shall find sufficient, and no other.

IF a Searcher shall find any Leather sold, or offered to Sale, which shall be tanned, wrought, converted, or used contrary to the true Intent of this Act, or any Leather insufficiently curried, or any Boots, Shoes, Bridles, or any other Thing made of tann'd or curry'd Leather insufficiently tann'd, curry'd, or wrought contrary to any Provision in this Act, he shall seize all such Leather, Shoes, or other Wares; and retain the same in his Custody, until the same shall be tried by six honest expert Men to be appointed by the Justices, which Trial shall be open at the next Court Day after Seizure.

THE Tryers appointed shall proceed without Delay, upon pain of being fined at the Discretion of the Court.

THE Searcher that shall refuse, with convenient speed, to seal Leather sufficiently Tann'd, shall forfeit for every such Offence Forty Shillings.

THE

An ABRIDGMENT of

THE Searcher that shall receive a Bribe, or exact any other Fee for the Execution of his Office than herein limited, he shall forfeit for every such Offence twenty Pounds Sterling.

THE Person refusing to execute the Office of Searcher, shall forfeit five Pounds Sterling.

EVERY Person withstanding such Search, or not suffering the Tryers and Searchers so appointed to enter into any House, or Place, to view and search at their Will and Pleasure all manner of tann'd Leather, Shoes, Boots, Mails, Saddles, and other Wares made of Leather, and to seize and carry away all such as they shall find insufficiently tann'd, curry'd, or wrought, shall forfeit for every time so denying and withstanding, five Pounds Sterling.

NO Person may buy, sell, or exchange any Tann'd Leather before the same shall be sealed, upon Pain to forfeit the said Leather, and the Value thereof.

IF any Currier do curry any Leather insufficiently tann'd, or do not curry substantially and well according to the Purport of this Act : Or if any Sadler, Shoe-Maker, or Cobbler work up any tann'd Leather not well and perfectly tann'd, or curry'd Leather not well and sufficiently tann'd and curry'd, and also seal'd as aforesaid, or do not make their Wares belonging to their several Occasions, sufficiently and substantially, or in any other manner than above specified, every such Person, for every such Offence or Default, shall forfeit the said Wares, and the just Value thereof.

ALL which Fines and Forfeitures shall be divided into three Parts, one Third to their Majesties, &c. another Third to the Informer by Action of Debt, Bill, Complaint, or Information, or otherwise, and the other Third to be dispos'd by the County Court, towards a House of Correction.

ALL Leather, and Leathern Wares, seiz'd and condemn'd by Virtue of this Act, shall be brought to the Court-House and there appraised by indifferent Persons, and the Value thereof divided, One Third to their Majesties, &c. One Third to the first Seizer, and the other Third towards a House of Correction.

THE Hides and Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goat, and Sheep, being tann'd shall be reputed Leather.

Anno 8. Will. III. James City.

*An Act for the better Support and Maintenance of
the Clergy.*

THE Minister's Salary sixteen thousand Pounds of Tobacco, besides Perquisites.

Sept. 24.
1696.
C. 11.

VESTRIES to raise the same, and five per Cent. for collecting, and paying the Tobacco convenient.

VESTRIES may appoint the Church-wardens, or whom they think fit, to collect the Levy, such Persons are hereby empowered to make Distress.

VESTRIES not having a Glebe to purchase one at their Discretion, at the Parish charge, and likewise to build a convenient Dwelling-house for the Minister.

VESTRIES finding their Parishes too small, may upon Application to the Governour, have their Parish united to the next adjacent Parish.

Anno 11. Will. III. James City.

*An Act for restraining and punishing Pyrates and
Privateers.*

UPON Notice given, or Knowledge of the Landing of any Pyrate or Sea-robber, or other Person suspected to be such, all Officers, Civil and Military, are required and empowered to raise and levy such a Number of well-arm'd Men, as they shall judge necessary for apprehending them; and in case of Resistance or Disobedience, to kill them.

April 27.
1699.
C. 5.

ALL Persons opposing or resisting this Authority, by striking or firing upon any Person in Execution of this Act, declared a Felon without Benefit of Clergy.

EVERY such Officer omitting or neglecting his Duty herein, forfeits fifty Pounds Sterling, half to the King, half to him that will inform or sue.

FOR the more speedy Justice upon such who having committed Treasons, Pyracies, Felonies, and other Offences by Sea, who shall be brought Prisoners, or apprehended here,

Enacted, THAT all such capital Crimes committed under the Admiral's Jurisdiction, shall be heard and determined, and Execution done here, in such Form, as if such Offence had been committed here. And to that End the

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Governour

An ABRIDGMENT of

Governour for the Time being to issue Commission of *Oyer and Terminer* under his Hand, and the Seal of the Colony directed to the Judge of the Admiralty for the Time being, and such other substantial Persons as he shall think fit, who shall thereby have as ample Power to hear, adjudge, and punish, as any Commissioners by Statute 28. H. 8. within the Kingdom of *England*, and such Criminals subject to the like Punishments.

ALL Persons that shall knowingly conceal, entertain, harbour, trade, or correspond with any Person deem'd or adjudg'd Pyrate, Privateer or other Offender, within the Construction of this Act, and shall not readily endeavour to apprehend such Offender, shall be adjudged accessory, and suffer accordingly.

An Act for regulating the Elections of Burgeses, for settling their Privileges, and for ascertaining their Allowances.

Capital 23.
October

THE Freeholders of each County to chuse two Burgeses, and the Freeholders of *James City* one.

1705.

THE Method of chusing shall be thus, viz.

c. 2.

THE Writs shall be sign'd by the Governour and under the Colony Seals, and shall be delivered to the Secretary at least forty Days before the Beginning of the Assembly, to be by him transmitted to the Sheriffs of the respective Counties. The Secretary shall cause them to be delivered to the Sheriffs respectively within ten Days after Date, the Sheriff, within three Days after the Receipt of the Writ, shall cause a fair Copy to be delivered to every Minister and Reader of the several Parishes in the County, upon every of which Copies shall be Endorsed by the Sheriff the Time and Place by him appointed for Election, which shall be always made at the County-Court at least twenty Days after the Sheriff shall have received the Writ.

AFTER receipt of such Copy and Endorsements, the Minister or Reader shall publish the same after Divine Service in the Church or Chapel where they, or either of them officiate, upon every *Sunday* that shall be between the Receipt of such Copy and the Day of Election, and after such Publication the Minister or Reader shall return the said Copy to the Sheriff with a Certificate of the Publication thereof.

PENAL-

PENALTY for the Secretary's failing 40 l. Current Money, half to the King, half to the Informer, Penalty for the Sheriff, failing, 2,000 l. of Tobacco, half to the King, half to the Informer. Penalty for the Minister or Reader failing, 1,000 l. of Tobacco, half to the King, half to the Informer.

FREEHOLDERS resident within the County failing to appear and vote, shall forfeit 200 l. of Tobacco, to the Informer.

Proviso, No Freeholder being Feme Sole, or Covert, Infant under Age, or Recusant convict, shall have Vote, or be obliged thereto.

IF any Person shall presume to give Vote, not being a Freeholder in the County or Town respectively, for which he shall give Vote, he shall forfeit 500 Pounds of Tobacco, half to the King, half to the Informer.

IF upon Suit brought, the Question shall arise whether any Person be Freeholder or not, the *onus probandi* shall lye upon the Defendant.

IF the Election of any Burgeſſes or Burgeſſes cannot be determined upon the View by consent of the Freeholders, the Sheriff, or in his Absence the under Sheriff, shall proceed to take the Poll in manner following, *viz.*

HE shall appoint such and so many Persons as to him shall seem meet, to take in Writing the Names of every Freeholder who gives his Vote, and the Person or Persons he votes for, which Person so appointed shall first take an Oath for their true and impartial taking the Poll, which Oath the Sheriff, or in his Absence the under Sheriff, may administer, and then in the Court-house of the County in the Presence of the Candidates, if they will be present, or such other Persons as they (if they think fit) may appoint to see the Poll fairly taken, the Persons so appointed and sworn as aforesaid, shall take the Poll as followeth.

First, HE or they shall write down the Names of the Candidates, every one in a several Page or Column.

Secondly, THE Name of every Freeholder coming to give his Vote, shall be fairly written in the several Pages or Columns respectively, under the Names of such Persons as he shall vote for.

Proviso, No Person, who at such Election shall have given his Vote for two Persons, shall be permitted to vote or poll for any more.

1765.

Thirdly, WHEN every Freeholder present shall have given his Vote in manner as aforesaid (or upon Proclamation three times made at the Court-house Door) if no more Freeholders will give their Vote, the Sheriff or under Sheriff as aforesaid shall conclude the Poll, and afterwards upon Examination, the most Votes to carry the Election; and if two or more Candidates shall have equal Number of Votes, the Sheriff or Under-Sheriff being a Freeholder, shall return which he pleases.

Fourthly, EVERY Freeholder before he is admitted to Poll at any such Election, if it be required by any Candidate or Freeholder in their behalf, shall take the following Oath to be administered by the Sheriff, *viz.*

Y o u shall Swear that you are a Freeholder of the County of . . . and that you have not been before Polled at this Election: And in case any Person taking the said Oath shall commit wilful Perjury, or shall procure or suborn any Person to take the said Oath, in order to be Polled, whereby he shall commit wilful Perjury, he and they for every such Offence shall forfeit 10 *l.* current Money, half to the King, and half to the Informer.

A Declaration who is a Freeholder.

HE who hath an Estate in Land for his own or another Life, or any Estate of a greater Dignity is a Freeholder.

AFTER the Election is over, the Sheriff shall make Return of the Writ thus:

Schedule.

BY virtue of this Writ to me directed in my full County held at the Court-house for my said County, upon the . . . Day of . . . in the . . . Year of the Reign of . . . By the Grace of God of England, Scotland, France and Ireland, King Defender of the Faith, &c. by Assent of my said County, I have caused to be chosen two Burgeses of my said County, to wit, A. B. and C. D, to act and do as in the said Writ is directed and required.

IF at any time any Candidate or other Person in his behalf desire a Copy of the Poll, the Sheriff, &c. who manages the Election, ought to give it and attest it.

IF a Writ for Burgeses issue, the Assembly sitting, the Sheriff shall appoint such and so many Persons as he shall think fit to give notice thereof, and of the Time and Place

of Election, to every particular Freeholder residing within the County and Town, for which such Election is to be made, and the Election to be made as soon as possible.

SHERIFF refusing to take the Poll (being required before Return made) or taking it in other manner, or refusing a Copy, or making false or double Return, or failing to make any Return, or making Return in other Form than herein directed, shall forfeit 40 *l.* Sterling, half to the King, half to the Informer.

THE Writs shall be returned to the Secretary's Office, at least the Day before the Return, penalty 2000 *l.* of Tobacco.

No Person after the Test of the Writ, and until Election be made, shall directly or indirectly give any Treat or Present, &c. Penalty is incapacity upon such Election.

No Person under twenty one Years of Age, shall be capable of being Elected, nor any Person not being a Freeholder of the Place he is elected for.

MEMBERS of the general Assembly to be free and privileged in their Persons, Servants, and Estates, real and personal in all Cases, save Treason, Felony, and Breach of the Peace, during their Attendance upon the general Assembly, and ten Days before and ten Days after every Sessions; and if any Process shall be depending against any such Member at the Time of his Election, it shall be stay'd in the Time aforesaid, and then be again revived and prosecuted without discontinuance.

If any general Assembly be prorogued or adjourn'd above the space of twenty Days, the Member shall be liable to Process. Provided such Process be stayed by the space of ten Days as aforesaid, before and after every Session or Meeting, by Prorogation or Adjournment.

BURGESSES allowance to be, *viz.*

A Burgess by Land besides Ferriage 130 *l.* Tobacco *per* Day and Cask.

EVERY Burgess which cannot come otherwise } 120
than *per* Water,

BESIDES which there shall be allowed for going and returning, *viz.*

THE Burgesses for *James City, York, Warwick, Elizabeth City, New Kent, Gloucester, Charles City, Surrey* and *Isle of Wight*, one Day for coming, and one Day for returning.

1705.

THE Burgesſes for *Henrico, Nanſan, Norfolk, Princeſs Anne, King William, Prince George, King and Queen, Middleſex and Eſſex*, two Days for coming, and two Days for returning.

THE Burgesſes for *Lancaſter and Richmond*, three Days each.

THE Burgesſes for *Stafford, Northumberland, Weſtmoreland, Northampton, and Accomack* four Days.

WHERE the Burgesſes come *per Water*, the Sheriff is to impreſs or provide a Boat and two Men, to carry the Burgesſes, for which Boat, Men, and their neceſſary Proviſion for each Day they ſhall be on the Service, thirty fix Pounds of Tobacco *per Day*.

FOR the Counties of *Accomack and Northampton*, the Sheriffs are to impreſs or provide a Sloop and two Men for each County, and their Allowance ſhall be fixty Pounds of Tobacco *per Day*.

THE Sheriff at the Time and Place of Election by Proclamation three times made at the Door of the Courthouſe, between one and three a Clock in the Afternoon, ſhall give publick Notice of the Time appointed for a Court of Propoſitions, Grievances, and publick Claims, which Time he is to appoint.

THE Propoſitions and Grievances ſhall be Sign'd by the Perſons preſenting the ſame to the Court, and thereupon the chief Magiſtrate then preſent, or the Clerk by direction of the Court ſhall certify the ſame to the general Aſſembly, and deliver the ſame to the Burgesſes for the County.

IN the like manner, ſuch a Court is to be held before every Seſſion of a general Aſſembly, and the Sheriff of the County is to appoint and give Notice, at every Church and Chapel in his County, of the Time of holding ſuch Court.

An Act, preſcribing the Method of appointing Sheriffs, and limiting the time of their Continuance in Office, and directing their Duty therein.

c.3.

COUNTY Courts annually between the laſt of *January* and laſt of *March*, to ſend to the Governour a Liſt of three of their Juſtices, out of which he is to make one Sheriff for the enſuing Year.

Proviſo,

Proviso, HE may continue such Sheriff for two Years.

No body shall be capable of being Sheriff but a Justice, nor enjoy the Sheriff's Office longer than two Years together.

SHERIFF before he enters upon his Office, shall give Bond to the King, &c. with two good Securities in 1000 l. Sterling for the true and faithful Performance of his Office, which Bond shall be acknowledg'd and recorded.

COUNTY Court Writs shall be executed and returned two Days (excluding *Sunday*) before the Return Day, general Court Writs shall be executed as directed in the Act for establishing the general Court, and returned three Days (excluding *Sunday*) before the Return Day. Penalty for insufficient Return, or for Failure in Time 1000 l. Tobacco, half to the King, half to the Party grieved by Action of Debt, Bill, Plaint, or Information.

PENALTY for a false Return 3000 l. Tobacco to be divided and recovered as aforesaid, and liable for Damages, &c.

UNLAWFUL to execute Writs on *Sundays*, or on any Person doing his Duty at Muster, or at Election of Burgesses, except for Treason, Felony, or Suspicion of Felony, and the Accessories thereto, or for Riot or Breach of the Peace, or upon Escape out of Prison.

No Sheriff or Deputy shall by Colour of Office take Obligation of any but by the Name of his Office, and upon Condition pursuant to the Writ or Warrant, and all Obligations taken otherwise shall be void.

Provided, THE Sheriff may take any other Obligation that shall be directed by any other Act.

UPON a Writ in any civil Action to attach the Body of any Person not to be found in the County, the Sheriff shall make Return as the Case is, and upon the Defendant's Non-appearance, an Attachment against the Estate, returnable to the next Court; and if the Defendant do not then appear, so much of the Goods then attached as will satisfy the Debt and Cost, shall by the Rule of the Court be appraised and deliver'd to the Plaintiff; but if the Defendant do appear at the Return of the Attachment, then the Attachment shall be void, and the Trial proved, as if the Defendant had appeared at the first written Precept.

1705.

Proviso, No Officer shall make Return of, Not to be found, untill he shall have actually been at the Dwelling House, or Place of Residence of the Defendant, and not finding him, shall have there left an attested Copy of the Writ or Process.

Provided, ALSO when a Writ shall be against any Person being a known Inhabitant of another County, not of that County where the Officer (to whom the Writ is deliver'd) resides, the Officer shall make Return according to the Truth of the Case, and not that the Person is not to be found in his County, and thereupon the Process shall abate and be dismiss.

An Act against Importing Tobacco from Carolina and other Parts, without the Capes of Virginia.

c. 5.

TOBACCO imported from Parts without the *Capes* to be landed or shipt off here is forfeited, half to the King, half to the Informer [no Costs] by Action of Debt, Bill, Plaint, or Information.

Proviso, THIS not to affect the Inhabitants of this Country for Tobacco of this Country Growth.

Proviso, THAT before such Tobacco be put Aboard in order to be brought round, Proof be made (at least by the Oath of the Party) before the Collector of the 2 s. per Hundred, that the said Tobacco is all of the Growth of this Country, and his Permit obtain'd for the same.

AND Tobacco otherwise bought, is to be forfeited and divided as aforesaid.

An Act for ascertaining the Gage of Barrels for Pork, Beef, Tar and Pitch.

c. 6.

PORK, Beef, Tar and Pitch Barrels, shall contain each thirty one $\frac{1}{2}$ Gallons, Winchester Measure, the Beef and Pork Barrels to contain at least 220 l. of Meat, and the Tar Barrels to be filled with clear Tar, and the Pitch Barrels with true made Pitch without other mixture.

PENALTY 5 l. Current Money for setting up a Barrel of less Size.

WHOSO shall false pack, sell, or expose to sale, export, or put on Board for Exportation false packt Pitch, or Tar, shall

shall forfeit the Pitch and Tar, and twenty Shillings for every Barrel of Pitch, and ten Shillings for every Barrel of Tar.

1705.

WHOSO shall pack, sell, or expose to sale, export, or put on Board for Exportation Beef or Pork in lesser Barrels for Sale or Exportation, or pack them up so as not to hold out Weight at the Sale or Exportation, shall forfeit 5*l.* per Barrel.

AND if any shall import Pork, Beef, Tar, or Pitch, in Cask of lesser size and false packt, and shall sell, or expose the same to Sale here, he shall be liable as if the same had been made and packt in this County.

HALF of all Forfeitures to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

An Act concerning Titheables.

ALL Male Persons of the Age of sixteen Years and upwards, and all Negroes, Mulatto, and Indian Women of the same Age not being free, (excepting such as the County Court and Vestry for Reasons in Charity made appear to them shall excuse) are declared Titheables.

c. 7.

THE Owners or Purchasers of every imported Child being a Servant, and the Parent and Importer of every Child being free, and in Capacity of becoming Titheable, at the first, second, or third Court of the County, where the Child shall be after Importation, shall bring the said Child to Court to have its Age adjudged, and their Judgment shall be taken for the Age of the Child, otherwise he shall immediately become a Titheable.

THE Court of the County shall divide the County into Precincts, and appoint a Justice to take a List of Titheables in each Precinct, which Justice before the tenth of June shall give Notice thereof, and of the Place of taking the List, at the Church or Chapel Door of the Precincts he shall be appointed for, and shall attend the same on the tenth Day of June, (unless Sunday, and then on the Day following.)

IN August Court he shall deliver the List by him taken, with the Subscriptions given him to the Clerk of the Court.

EVERY Master or Mistress of a Family, or in his Absence or Non-residence at the Plantation, the Attorney or Overseer, shall on the said tenth of June by a List under
his

1785.

his Hand, deliver to the said Justice the Names and Number of all the Titheables abiding in, or belonging to the Family the ninth of June, or the Master or Owner thereof, shall be adjudged a Concealer, and be liable as a Concealer of such as shall not be given in, and for every Titheable Person not given in as aforesaid, shall forfeit 1000 l. of Tobacco to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

THE Justice taking the List and not entring his own, shall be adjudged a Concealer, and shall forfeit and pay as aforesaid.

Proviso, IF any Person shall omit entring the List, then he may carry or send the same to the said Justice's House at any Time before the last of the said Month, and so doing shall be free from the Penalty.

Proviso, THE Governour's Family and the Person of a beneficed Minister, are excepted from being Titheable.

An Act concerning publick Claims.

c. 8.

A COURT of Claims to be appointed by the Sheriff, and held before every Session of Assembly; the Sheriff or Clerk failing to attend at such Court, to forfeit 1000 l. of Tobacco, and every Justice absent without reasonable Cause (if so be that a sufficient Number of Justices be not there to hold Court) 500 l. of Tobacco, half to the King and half to the Informer [no Cost] by Action of Debt, Bill, Plaint, or Information.

EVERY Person having publick Claims, shall produce to the Court the Warrant or Certificate on which the Claim is grounded, shall exhibit a particular Account of the Services or Disbursements claimed for, and shall make Oath or give some other sufficient Proof before the Court, that all and every Services, Things, and Disbursements claimed for, are real and *bonâ fide* made, done and performed, and that no Satisfaction hath been received for the same.

THEIR Proof shall be endorsed upon every particular Claim respectively, and with the Vouchers, deliver'd by the Clerk to the Burgeses, and if the Claim be under 100 l. of Tobacco to be done *Ex officio*, and if 100 or above, the Clerk to have 20 l. of Tobacco *per* Certificate.

Provided, THE Claims be allowed by the Assembly to be a Country Charge.

No Claim to be allowed which is not proved as aforesaid, and sent to the first or second Session of Assembly next after it becomes due.

No Sheriff to have any thing for publick Services more than set down in the Law, appointing Sheriffs Fees.

THIS Act to be read by the Clerk at the Opening of every Court of Propositions, Grievances, or publick Claims.

An Act concerning the Collection of the Publick and County Levies, and for the better Payment of the same to the respective Creditors therein concern'd.

COUNTY Courts are first to admit the Sheriff to collect the Publick and County Levies.

c. 9.

Provided, At the Court for laying the County Levy he enter into Bond to the King, &c. with two sufficient Sureties in double the Sum, which the County and Publick Levy shall amount to, faithfully to collect and duly to pay the same.

Proviso, IF he refuse or fail to give such Security, the Court may put the Collection into what other Hand they think fit upon such Surety.

THE Collector to allow eight *per Cent.* for the Cask of publick Tobacco, and Secretary's Clerks and Sheriffs Fees, on Penalty 100 *l.* of Tobacco for every eight, and so *pro rata*, to be recovered with Cost before a Justice, if the Penalty exceed not 200 *l.* of Tobacco, and then in Court.

IF a Sheriff or Collector shall distrain a Hogshhead, containing more Tobacco than is due to him for distrainable Debts, he shall suffer the Debtor to take the surplus out, or make him immediate Satisfaction.

No Sheriff or Collector may distrain upon Tobacco paid away or mark'd, if the Party tender upon the Spot other Merchantable Tobacco at the same Time.

THE Sheriff, or Collector shall discount publick Credit without farther Allowance.

THE Sheriff, or Collector shall pay all publick Credit and County Credit, before the Court in *March*, or upon Motion, at that or any succeeding Court, Judgment with Costs shall be granted to such Creditors, without farther Process.

Provided,

c. 705

Provided, IF the Motion be made at any Court after *March*, and the Sheriff be not there, then one Summons shall issue before Judgment given.

AND if any publick or County Creditor after ten Days Notice, shall not receive his Dues, the Sheriff or Collector shall have liberty to make tender according to the Law of Tender of Tobacco Debts.

An Act directing the Building and Maintaining of Prisons, Pillories, Whipping Posts, Stocks, and Ducking Stools in every County, and for settling the Rules of Prisons.

c. 10

THE County Court shall from Time to Time, for ever, Build, Maintain, and keep in good Repair at the Charge of the County a Prison built of Brick or Timber, after the manner of *Virginia* Houseing, the Chimneys and Windows to be strongly grated with Iron Bars, and the Doors made secure with good Locks and Bars of Iron, and to make also one Pillory, Whipping Post, and Pair of Stocks, Penalty on every Magistrate failing 500 l. of Tobacco, half to the King, and half to the Informer; and over and above the Court so failing, shall be liable to the Sheriff, his Executors, Administrators, for all Sums as shall be recovered against him by any Escape that shall happen by Reason of the want of such Prison, and for Costs and Damages also, by Action of Debt, Bill, Plaint, or Information against them, or the Survivors of them in the general Court, and the general Court shall proportion it among the Survivors, and one or more Execution may issue.

WHERE the County Court shall think fit, they may also build a Ducking Stool at the Charge of the County.

THEY may also assign Rules and Bounds, not exceeding ten Acres for Prisoners to walk in, (*viz.* such as shall be admitted upon Security to walk therein) and Prisoners keeping within these Rules are allowed to be Prisoners.

THESE Bounds shall be entred in the County Records, and the Marks thereof renewed as Occasion.

An Act for the speedy and easy Prosecution of Slaves, committing Capital Crimes.

c. 11

EVERY Slave committing such Offence, as by Law ought to be satisfied by the Death of the Offender, or Loss of

of Member, shall be forthwith committed to the common Goal of the County, wherein such Offence shall be committed.

THE Sheriff thereupon is to certify such Commitment with the Cause thereof to the Governour, who is thereupon desired and impowered to issue out a Commission of Oyer and Terminer, directed to such Persons of the County as he shall think fit, which Persons are forthwith to cause the Offender to be publickly indicted and arraigned at the Court-house of the said County, and to take for Evidence the Confession of the Party, or the Oath of two credible Witnesses, or one with pregnant Circumstances, without the Solemnity of a Jury, and (the Offender being then found guilty) to pass such Judgment as the Law provides in like Crimes, and thereon to award Execution.

Provided, THE Owner of the Slave may defend and argue as to Matters of Fact, but not to the Formality of the Indictment, or other Proceedings of the Court.

THE Justices that sit in the Trial, shall value in Money every Slave condemned by this Act, and certify the Valuation to the next Assembly, the better to enable them to make a suitable Allowance thereupon to the Owner.

An Act to prevent the Clandestine Transportation of Persons in Debt, Servants, and Slaves out of this Country.

No Master of a Vessel shall carry any Person out of the Country, without a Pass sign'd by the Secretary or some other Person that he shall appoint for that purpose, on Penalty of being answerable for every Debt and Duty such Persons shall owe or stand obliged for, to be recovered by Action of Debt.

c. 12.

No Master of a Vessel shall transport any Servant or Slave without a Pass as aforesaid, or Consent of the Owner, on Penalty 50*l.* current Money for every Servant, 100*l.* for every Slave, half to the King, and half to the Party grieved, to be recovered with Writs by Action of Debt, Bill, Complaint, or Information.

ACTION may be brought at any Time without Limitation against a Master for any Debt due for a Person illegally transported, or for any Forfeiture by this Act without Limitation of Time.

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SECRETARY or his Substitute may not grant a Pass, unless Bond with two Securities be given him to the Value of 2,000 *l.* Sterling, which Condition to answer and pay every Debt and Duty, the said Person going out of this Country shall owe or stand obliged for, or unless the said Person have a Certificate from the County Court Clerk in this form.

I, *A. B.* Clerk of _____ County, do hereby certify, that *C. D.* is, and for some Time past hath been an Inhabitant of this Country, and hath published his Intentions of going out of this Colony according to Law, Dated this _____ Day of _____

CLERK shall not issue such Certificate till ten Days after Publication, by a Note set up at the Court Door on a Court Day.

NOTWITHSTANDING such Certificate, any may enter a Caveat to stop the Pass, giving 500 *l.* Security to answer and pay all Damages which the Party so stop'd shall recover, and a Pass shall not then be granted, unless the Party so stop'd shall give Bond with one Surety for double the Sum claimed by the Person entering the Caveat, to answer and pay whatsoever the said Person shall recover of his pretended Claim.

Proviso, THE Surety and all other Sureties for Passes shall be discharged of all Claims, for which Action shall not be commenced within two Years after.

THE Secretary shall substitute, have, and keep one in each District, within two Months after Publication of this Act, and within two Months after Vacancy happening, and shall signify his Appointments to all the County Court Clerks within the District: Penalty 50 *l.* Current Money, half to the King, and half to the Informer, [no Costs] by Action of Debt, Bill, Plaint, or Information.

IF the Secretary or his Deputy shall refuse to grant a Pass, when demanded upon County Clerks Certificate, or good Security tendered, unless Caveats be entered, he shall forfeit 500 *l.* current Money, half to the King, and half to the Party injured, prosecuting the same within six Months, and after to the Party or Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

COUNTY Court Clerks to Register the Certificate by them issued, and the Secretary's Deputies in *October* Court yearly return to the Secretary's Office, Certificates of the Passes

Passes by them granted the Year before, which shall be registred by the Clerks there, and if the Secretary grant any himself, he shall take care to register a Certificate thereof, likewise within a Year after granting.

PENALTY on any of the aforesaid failing, five Pounds current Money, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Complaint, or Information.

An Act concerning Waists and Strays.

EVERY Person that shall take up any stray Horse, Mare, Cattle, or Boat adrift, shall cause the same with the Description thereof (*viz.*) the Mark, Stature, and Colour of the Horses, Mares, and Cattle, and the Burden and Built of the Boat, to be published by setting up a Note thereof, at each Church and Chapel in the County, two Sundays, or Sermon Days successively, within a Month after taking up; and if no Owner appear, shall publish the same at the next County Court, and set it up in Writing at the Court Door, one whole Court Day, and shall have Reward of the Owner five Shillings, for every such Horse, Mare, and Boat; and every Person making default herein, or making use of such Horse, Mare, Cattle, or drift Boat, shall pay for every Head, and every single Offence fifteen Shillings, with Costs, before a Justice, and shall pay double Damage to the Owner.

Proviso, WHEN any Horse, Mare, or Cattle, being above two Years old, shall be taken up astray, or Boat adrift, and so published, and no Owner appear to make Claim within a Year after such taking up; the Taker up shall by a Warrant from the Justice of that County, have such Horses, Mares, and Cattle, and Boat, appraised, and shall then have the Propriety of such Horses, Mares, Cattle, or Boat, and shall only be answerable to the Owner, for the Valuation thereof after the Abatement of the Reward, for taking up the same.

An Act against Stealing Hogs.

EVERY Person stealing a Hog, Shoat, or Pig, shall for the first Offence have twenty-five Lashes, or pay down ten Pounds current Money; and if a Negro, Mulatto, or Indian, thirty-nine Lashes, (this may be done either in the County where the Fact was committed, or where the Party

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Party shall be arrested) and moreover pay 400 *l.* of *Tobacco*, for every such Hog, Shoat, or Pig, half the aforesaid Fines to the Owner, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

FOR the second Offence, shall stand two Hours in the Pillory, on a Court Day, with both Ears nailed, and afterwards shall be cut loose, cognizable by the County Court, saving an Appeal giving twenty Pounds Security for personal Appearance, in the general Court, and to perform and abide the Award thereof, and moreover each Party shall pay the Sum of 400 *l.* of *Tobacco*, to be recovered and divided as aforesaid.

IN either of the Cases if the Offender be a Servant, by Indenture, Custom, &c. the Owner shall pay the 400 *l.* of *Tobacco*, and be repaid by the Service of the Servant, after the Rate of 150 *l.* of *Tobacco*, for a Month's Service.

AND if the Offender be a Slave, the Owner shall pay 200 *l.* of *Tobacco* to the Owner of the Swine.

IF there be more Actors than one in the same Offence, though it be but for one Hog, Shoat, or Pig, each Person shall be adjudged to the Punishment, and whole Fine, and may be particularly prosecuted.

Proviso, THIS shall not oblige Masters of Slaves to pay more than once for a Hog, Shoat, or Pig, but if the Slaves of several Masters be joint in a Fact of stealing one Hog, the Masters shall pay the same in Proportion.

THE third Offence adjudged Felony, and guilty of Death.

WHO so shall bring a Hog to his own, or another's House without Ears, or shall receive such, and not immediately discover it to a Justice of the said County, shall be adjudged a Hog-stealer, and suffer accordingly.

Proviso, IF the Person bringing or receiving a Hog without Ears can prove the lawful Propriety of the said Hog to be in themselves, the Penalty shall not be incurred.

INDIANS keeping Hogs, shall give their Town mark allowed by the next County Court.

IF any Person, not being an *Indian*, shall buy or receive Pork from any *Indian*, and cannot prove such Pork to be of the Town Mark, he shall pay 1000 *l.* of *Tobacco*, half to the King, half to the Informer, with Costs, by Action of Debt, Bill, Plaint, or Information.

No Person may hunt, shoot, or kill, any unmarked Hog, Shoat, or Pig, if the same shall be found either in company of the Hogs, or ranging upon the Land of any other Person, Penalty 1000 l. of Tobacco, to the Informer, with Costs by Action of Debt, Bill, Plaint or Information.

AND if any kills an unmark'd Shoat, or Hog, on his own Land, or any unpatented Lands, either alone or in company of his own Hogs, or other unmark'd Hogs (in which Cases only it is lawful to kill any unmark'd Hogs, or Shoats);

SUCH Persons shall, within three Months then next coming, give an Account thereof, upon Oath, to some Justice of the County, and shall take a Certificate thereof accordingly.

EVERY Person failing herein is declared a Hog-stealer, and shall suffer accordingly.

An Act for preventing of Trespasses, by unruly Horses, Cattle, Hogs, Sheep, and Goats, and by taking away Boats, and Canoes.

IF any Horses, Mares, Cattle, Hogs, Sheep, or Goats, shall break into any Ground, inclosed with a strong and sound Fence, four Foot and a half high, and so close that the Beast, or Kine breaking into the same, could not creep through; or with an Hedge two Foot high upon a Ditch three Foot deep, and three Foot broad, or instead of such Hedge a rail Fence, two Foot and a half high, the Hedge or Fence being so close, that none of the Creatures aforesaid can creep through, which shall be accounted lawful Fences; the Owner of such Beasts or of any one of them, shall, for the first Trespass, make Reparation for the Damages with Costs, and for every Trespass afterwards double Damages, and Costs by Action proper.

Proviso, FOR the third Offence of any of the same Beasts, or Cattle, and Barking Fruit Trees, the Party injured may either sue for Damages, or destroy the Beasts.

THAT the Condition of the Fence at the time of the Trespass committed, may be proved to a Jury upon Trial, any Justice upon complaint of the Party injured, is required to issue his Order without delay, to three honest House-keepers of the Neighbourhood, neither related nor interested, reciting the Complaint, and requiring them to

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view the Fence, where the Trespass is complained of, and to take Memorandum of the same, and their Depositions shall be Evidence to the Jury at Trial.

IF any Person damaged for want of a lawful Fence, shall hurt, wound, or kill any Kine, or Beasts aforesaid, or cause the same to be done by Gun, Dog, or otherwise, he shall pay double Damages with Costs recoverable as aforesaid.

OWNERS of Beasts, known to have barked Fruit Trees, are to keep them within their own fenced Grounds. If any Person shall take up a Beast, that hath been known Barking Fruit Trees, and shall deliver the same to the Owner, the Owner shall pay him 100*l.* of Tobacco, for every Beast so taken up and delivered, recoverable with Costs, before a Justice, either of the County where the Beast was taken up, or the Owner lives.

Proviso, IF it be required, the said Taker-up shall make Oath, that no Means were by himself or any other Person, that he knows of, used to set the same at Large, or shall lose the Reward aforesaid.

ANY Person, taking away a Boat, or Canoe, without the Leave of the Owner, shall pay to the Owner 500*l.* of Tobacco, besides the Damage the Boat or Canoe shall sustain, and the Charge in regaining her: If such Person be a Servant, Reparation shall be made, by Service after his other time ended, and if there be several Actors in one Trespass, every Person shall pay the whole Fine.

An Act for Encouragement of the Land Frontiers.

c. 17.

No County on the Land Frontiers, shall hereafter be divided, unless there shall be left in the upper County, after the Division, 800 Titheables at least; and unless the whole County, as it stood before the Division, be obliged equally to contribute to the Building a Decent Church, Court-house, and Prison, in such Frontier County, after the Form and Manner, now generally used within this Colony.

Proviso, IF the upper Inhabitants, shall seek the Division of themselves, they shall not be entitled to any Privilege, by Virtue of this Act.

*An Act for Establishing the General Court, and
Regulating the Proceedings therein.*

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GOVERNOUR and Council, or any five of them make a Court.

c.19.

SHALL take the Oaths to the Crown, &c. before they act.

PENALTY 500*l.* to the King and Informer.

OATHS of Fidelity, &c. if made void in *England*, to be so held here.

To have Jurisdiction of all Causes, Ecclesiastical, or Civil.

Proviso, No Original Process under 10*l.* or 2000*l.* of Tobacco.

Proviso, That County Courts or Vestries may be prosecuted on behalf of a penal Law, although under that Value.

Two General Courts in a Year, each eighteen Days, excluding *Sunday*, to begin the 15th of *April*, and the 15th of *October*.

Proviso, If Business be done sooner, the Court may adjourn.

Court to take Oath of a Judge in Common Law, and another in *Chancery*, on the Penalty as before, for the Oaths, &c.

ALL original and judicial Writs and Process for the said Court, shall issue from the Secretary's Office, and be signed by the Clerk, and be returned thither.

PROCESS against a Counsellor shall be by Summons directed to the Sheriff, and on Non-appearance attach against the Estate.

PROCESS against a Sheriff, the same directed to a Coroner.

TWELVE Actions to Day, and the Days to be filled up in Course.

WRITS shall be served at least ten Days before the Day of Return, and if Process comes too late to the Sheriff, he shall make Return as the Case is; and Process taken out within the ten Days of the Sitting of the General Court, shall be returnable to the Court following.

THIS not to affect Traytors, Felons, Rioters, Breakers of the Peace, or other Criminal Offenders.

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NOR to vacate any Writ, Process, Warrant, or Mandate, or Precept, which shall be issued by one of the Judges of the General Court, returnable to the General Court.

Proviso, ALL the King's Actions, how many soever, may be returnable to the fourth Day of the Court.

ALL Account of Days for issuing, serving, returning, or filling, shall be made Exclusive.

UPON Security returned, and Defendant failing to appear, Judgment shall go against the Bail for what shall appear due at the next Court, on condition if the Defendant then personally appear, the Bail then to be discharged, otherwise to have the same Liberty of defending as the Principal, and to suffer Confirmation of the Judgment.

AND if the Sheriff shall not return Bail, then Judgment shall go against the Sheriff, as it should against the Bail, and though the Sheriff die before Confirmation, such Judgment may be confirmed against his Executors or Administrators.

AND if the Will be not proved, nor Administration granted, then it may be confirmed against his Estate.

Provided, THE Sheriff or Bail shall not take Advantage by Imparance, or otherwise, for want of filing the Declaration before the Day of Return of the Writ.

Provided, THAT after conditional Judgment against the Sheriff or Bail, they shall not be discharged by Appearance of the Defendant afterwards, unless special Bail be given for the abiding the Award of the Court.

Provided, UPON Confirmation of any Judgment against Sheriff or Bail, they may have an Attachment against the Defaulter's Estate for Reparation, returnable to the Court following.

Rules of Court.

DECLARATION to be filed three Days before the Day of Return.

IF Declaration be not so soon, and yet filed before the Day of Return, the Defendant shall have one Imparance of Course more than otherwise; but if it be not entred before the Day of Return, Plaintiff shall be Non-suited.

IF Plaintiff or Demandant fails to appear, he shall be Non-suited.

UPON Non-suit there shall be paid (besides Costs) One Hundred and Fifty Pounds of Tobacco for the first twenty Miles,

Miles; and Five Pounds of Tobacco for every Mile afterwards of the Defendant's Distance from Town.

DEFENDANT or Tenant shall plead in Writing.

CLERK file all Papers of a Cause together.

THAT in all Cases of Land, the Pleadings shall be all in Writing, and shall be entred at large, with the Judgments, in Books on purpose for that use.

ALL Pleas of the Crown, and what relates to publick Revenue, be recorded in Books set a-part for that use.

THAT in all Cases of Fine against County Court or Vestry, one Action be brought against all the Justices, or Vestry Men jointly.

ORDERS to be drawn at large, and read the next Morning after passing, and necessary Corrections then made; and then the Orders shall be signed by the Secretary or Deputy, and carefully reserved.

SUMMONS shall issue for Witnesses, declaring Time and Place of Appearance, the Name of the Litigants, and at whose Request summoned.

THAT if a Witness *per* Sickness, Age, or other disability cannot appear, a Justice of the *Quorum* shall certify the same, and then the Court or any two of them may issue Commissions to such Persons as they shall think fit to take the Affidavit.

Provided, THE Party obtaining such Commission, give the other Party ten Days Notice.

THAT if any Evidence refuse before the Court (or Persons so appointed) to give Oath, he shall be committed to Goal without Bail, there to remain until he do give Oath.

Proviso, THAT *Quaker's* Affirmation shall satisfy, if made according to the Statute Seven and Eight *William* the Third.

POPISH Recusants Convict, *Negroes*, *Mulattoes* and *Indian* Servants, and others not being Christians, are incapable of being Witnesses.

EVIDENCE failing to attend according to Summons, forfeit 1000 *l.* of Tobacco to the Party grieved, with Costs by Action of Debt.

Provided, IF at the Time the Evidence ought to have appeared, sufficient Cause be shewn of the Incapacity to attend, no Forfeiture shall then be incurr'd: But if sufficient Cause be not shewn to the Court after such Failure, then upon Motion the Court shall grant Judgment for Forfeiture.

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THAT upon Commitment of any Criminal, the Magistrate making such Commitment shall cause the Witnesses to enter into Recognizance, to give Evidence *Viva Voce* upon the Trial of such Offender.

No Evidence, during the Time of his Attendance thereon, nor in going or returning (allowing a Day for every twenty Miles) shall be served with Writ, Process, or Warrant, Order, Judgment, or Decree, and if any such Service be made, it shall be void.

EVIDENCE to be allow'd one and $\frac{1}{2}$ Pound of Tobacco *per* Mile with Ferriage, and 60 *l.* of Tobacco *per* Day for Attendance.

THAT in a Bill of Costs, there shall not be allowed above three Witnesses to the Proof of any one particular Matter of Fact.

APPEALS may be made for any Value whatsoever.

IN the Personal Action where the Appeal shall be from a Judgment for less than 20 *l.* Sterling, or 4000 *l.* of Tobacco there shall not be any Errors assigned but in Matter of Right.

IN such Actions where the Judgment appealed from, shall exceed the former Value, and yet be less than 50 *l.* Sterling, or 10,000 *l.* of Tobacco, there shall not be any Errors assigned but in Matter of Right, or such as were insisted on in the County Court.

IN all other Actions, either at Common Law or Chancery, and in all real Actions of what Value soever, any Error may be assigned either in Form or Substance in like manner as is permitted in *England* upon Writs of Error.

IN all Personal Actions if, upon an Appeal, the Judgment of the County Court shall be affirmed, the Appellant shall pay 15 *l.* *per Cent.* Damage upon the principal Debt, or Sum recovered for Damage, and upon the County Court Costs, besides the principal Sum.

AND upon any Appeal in a real Action where the Judgment, Decree, or Sentence of the County Court shall be affirmed, the Appellant shall pay 2000 *l.* of Tobacco in lieu of the 15 *l.* *per Cent.* aforesaid.

County Appealing Days.

HENRICO, Prince George, Surrey, Isle of Wight, *Nau-samund*, Norfolk, and Princess Anne, shall be made to the 6th Day.

JAMES

JAMES City, Charles City, York, New Kent, Warwick, and Elizabeth City, the 7th Day.

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KING William, King and Queen, Gloucester, Middlesex, and Essex, the 8th Day.

RICHMOND, Westmoreland, Northumberland, Lancaster, and Stafford, the 9th Day.

ACCOMACK and Northampton, the 10th Day.

THAT no Appeals be allowed by the County Court to any other Day.

SUPERSEDEAS, the Proceedings thereon shall be the same as on Appeals.

THE general Court and County Courts, the only Courts meant by the Words Court of Record in the penal Laws.

An Act for Enlarging the Power of the Sheriffs attending the general Court, and of the Constables of Bruton Parish.

THE Sheriff and his Officers sitting, the general Court may summons Grand-Jurors, Jurors, and Evidences all over Williamsburgh, and half a Mile round the same.

c. 20.

POWER is given to the Constables of Bruton Parish at all Times as such, throughout the same Precincts, of whether County appointed.

An Act directing the Duty of Surveyors of Land, and ascertaining their Fees.

ALL Surveyors in Office, shall within three Months after Publication of this Act, and all such as shall hereafter be appointed, shall before they act, take Oath before the Court of the County, whereto they shall be appointed Surveyors, for their true and faithful Execution and Discharge, to the best of their Knowledge and Power, of their said Trust, Office, and Imployment.

c. 22.

COUNTY-Courts hereby authorized to administer the Oath, and make Record thereof.

IF any Surveyor refuse to Survey where it is not unlawful, he shall pay 2000 l. of Tobacco, half to the King, and half to the Party grieved.

EACH Surveyor when he makes a Survey of any Land, shall see it plainly bounded, either by natural Bounds, either by marked Trees, or making other artificial Boundaries, and shall within six Months after give his Employer a Survey and Plot thereof.

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FOR all which and entering the Survey and Plot fair in the County-Book he shall have, *viz.*

FOR any Survey not exceeding 1000 Acres 500 *l.* of Tobacco.

FOR every Hundred Acres afterwards, 30 *l.* per Hundred.

IF any Surveyor shall exact more, he shall pay Two Thousand Pounds of Tobacco, half to the King, half to the Informer.

Proviso, IF the Surveyor be stopt and hindred from finishing his Survey, his Fee shall be 250 *l.* of Tobacco.

No Surveyor shall make a Survey without a Chain Carrier Sworn to measure justly and exactly, according to the best of their Knowledge, and to deliver their Accounts thereof truly to the Surveyor, which Oath the Surveyor shall administer.

WHEN any Entry shall be made with the Surveyor and he cannot immediately attend to survey, such Entry shall stand good untill such Surveyor shall give Notice of his being ready to go upon the Survey thereof, and if such Party claiming by such Entry, his Heirs, or Assigns, shall not within one Month of such Notice given, attend the Surveyor, with all Necessaries for making such Survey, and give him timely warning thereof, such Entry shall then be void.

FOR preventing of surreptitious Grants, no Surveyor shall within six Months after Survey made, give a Copy of the Survey or Plot other than to the Employer. Penalty to the Party injured 500 *l.* of Tobacco per every Hundred Acres of Land such Survey shall contain.

SURVEYORS to apply to the County-Court for a Book to record the Surveys and Plots in, who are thereupon required to provide a Book of Large *Dutch* Paper Royal, bound either in Vellum or Leather, and containing about two Quire of the Paper, and to levy the Charge thereof upon the County, in which Book within two Months after the Survey made, he shall enter the Survey and Plot with Indications in the Plot of all Rivers, Creeks and Branches that he shall cross in his Courses, and also of the Boundaries and adjacent Plantations, &c. and shall annually in the Month of *June*, return to the County-Court Clerks Office to be by him recorded, a List of all the Surveys by him made in that County, *viz.* for whom, what Quantity of Land, and the Place or Parish where it lies. Penalty 2000 *l.* of Tobacco, half to the King, half to the Informer.

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THE County-Court when they think fit, either of their own accord or Motion of another, may appoint two or more understanding Persons of their County to view and examine the Surveyor's Books of the County, Surveys and Plots, and to make Report to them, whether they be kept in all Things according to this Act.

UPON the Death or Removal of any Surveyor from his Office, the County Court shall take the Surveyor's Book, and either cause it to be preserved among the County Records, or if there shall be much blank Paper in it, let the same to the next Surveyor, at their Discretion for his County Book also; and in such case they shall always before the doing thereof, take the Surveyor's Oath to preserve the said Book with the best of his Care, and under his own Lock and Key, and not to alter or suffer any thing to be alter'd therein, of what was done before his Time of Surveyorship.

Proviso, THE Surveyor's Fee for a Lot in a Town, Port, or publick Landing, shall be but 20 l. of Tobacco.

PENALTIES in this Act to be recovered with Costs in any Court of Record, by Action of Debt, Bill, Complaint, or Information.

An Act to prevent Indians Hunting on Patent Lands.

ANY Person imploying a free *Indian* to hunt, shall forfeit to the Person on whose Land he shall be found 1000 l. of Tobacco.

C. 25.

WHOSOEVER shall find any such *Indian* ranging on his Land, may take away the Gun, Powder and Shot, and keep it, and his own Oath shall be sufficient.

THIS Act not to affect the *Pamunkey* or *Chickahoinany* *Indians*, or the *Indians* on the Eastern Shore hunting as heretofore.

An Act declaring Slaves to be real Estate.

FROM and after the passing of this Act, *Negroes*, *Mulattoes* and *Indian* Slaves, shall be real Estate (and not Chattels) and shall descend to the Heirs and Widows of Persons departing this Life, as Lands of Inheritance in Fee.

C. 23.

Proviso, No Merchant or Factor importing any Slaves, or having Consignment thereof for Sale, shall be affected hereby,

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hereby, but while the Slaves remain unfold, they shall be accounted personal Chattels as to them.

Proviso, ALL Slaves shall be liable to the Payment of Debts, and may be taken in Execution for that End, as other Personal Estate may be.

Proviso, No Slaves shall be liable to be escheated by reason of the Decease of the Proprietor without Heir; but all such Slaves in that case shall be accounted and go as Chattels.

Proviso, No Person selling a Slave, shall be obliged to record it, but Sales as before usual shall be good.

Proviso, No Owner of a Slave shall thereby be entituled to Liberties and Privileges as a Freeholder of Land.

Proviso, ANY Person may sue for a Slave, or Damage for Detainer, Trover, Conversion of a Slave, by Action Personal as before.

Provided, ANY Writ *de partitione facienda*, or of Dower, may be sued and prosecuted, to recover the Right and Possession of any Slave.

Proviso, WHEN any Person dies Intestate, leaving several Children, all the Slaves (except the Widow's Dower, which is first to be set apart) shall be inventoried and appraised, and the Value thereof shall be equally divided among all the Children, and the several proportions according to such Valuation and Appraisement, shall be paid by the Heir (to whom the said Slaves shall descend by Virtue of this Act) to the other Children; and thereupon Action may be commenced at the Common Law against such Heir, &c. for the Recovery of the said several Proportions.

IF any Widow seized of a Slave, as of the Dower of her Husband, shall send, or voluntarily permit to be sent out of the Colony such Slave, or any Increase of such Slave, without the lawful Consent of him or her in Reversion, such Widow shall forfeit such Slave, and all other the Dower which she holds of her Husband unto the Person in Reversion.

AND if a Widow seiz'd as aforesaid, shall be married to a Husband who shall send, or voluntarily permit to be sent out of the Colony, any such Slave or its Increase, without the Consent of him or her in Reversion, He or She in Reversion shall enter into, possess and enjoy all the Estate, which such Husband holdeth in Right of his Wife's Dower during the Life of the Husband.

the LAWS of VIRGINIA.

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An Act for settling the Militia.

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c. 24.

THAT the Colonel or chief Officer of the *Militia* of every County, have full Power and Authority to list all Male Persons, from sixteen to sixty Years of Age within his respective County, to serve in Horse and Foot, as in his Discretion he shall see cause and think reasonable, having Regard to the Ability of each Person he appoints to serve in the Horse, and to order and place them, and every of them under the Command of such Captain in the respective Counties of their Abode, as he shall think fit.

Proviso, THAT nothing herein contained shall be construed, to give any Power or Authority to any Colonel or chief Officer whatsoever, to list any Person that shall be or hath been of his Majesty's Council in this Colony, Speaker of the House of Burgess's, his Majesty's Attorney General, a Justice of the Peace, any Person that hath had any Military Commission as high as a Captain, any Minister, the Clerk of the Council for the Time being, the Clerk of the general Court for the Time being, any County-Court Clerk during his being such, any Parish Clerk or School-Master during his being such, any Overseer of four or more Slaves, any Constable during his being such, any Miller that hath a Mill in keeping, any Servant by Importation, or Slave; but that all and every such Person or Persons be excused from serving either in Horse or Foot.

Proviso, THAT if any Overseer that is by this Act exempted from being listed, shall appear at any Muster either of Horse or Foot, he shall appear in Arms fit for Exercise, and perform his Duty as other private Soldiers, on Pain of paying the Fine inflicted *per* this Act, on such Persons as do not provide Troopers, Arms, &c.

THAT the Persons of a Counsellor, Speaker of the House of Burgesses, a Justice of the Peace, an Attorney General, a Captain or higher Officer in the *Militia*, the Clerk of the Council, the Clerk of the general Court, and every County-Court Clerk shall provide, and keep, at their respective Places of Abode, a Trooper's Horse, Furniture, Arms and Ammunition, according to the Direction of this Act hereafter mentioned, and produce, or cause the same to be produced, in the County where they respectively reside yearly, and every Year at the general Muster appointed by this Act, to
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the Colonel or chief Officer there present, upon paying for every Neglect twenty Shillings, and in case of Invasion or Rebellion, shall serve in Person in Stations suitable for Gentlemen, under Penalty as others enjoyn'd to be listed.

AND that the Colonel or chief Officer of the *Militia* of every County, as soon as conveniently may be after publication of this Act, make or cause to be made a new List of all Male Persons in his County capable by this Act to serve in the *Militia*, and to form them into Troops or Companies, according to the Directions of the Governour or Commander in chief for the Time being, and the respective Circumstances of the Ability of the Persons listed, to the End each Trooper or Foot Soldier may be guided to furnish himself with such Arms and Ammunition within such Time as this Act hereafter directs.

THAT every Foot Soldier be provided with a Firelock, Musket, or Fuzee well fix'd, a good Sword and Cartouch Box, and six Charges of Powder, and to appear constantly with the same, at Time and Place appointed for Muster and Exercise; and that besides those, each Foot Soldier have at the Place of his Abode, two Pounds of Powder and eight Pounds of Shot, and bring the same with him into the Field when especially required; and every Horse Soldier to be provided with a good serviceable Horse, good Saddle, Breast Plate and rupper, a Case of good Pistols well fixed, Sword and double Cartouch Box, and twelve Charges of Powder, and constantly appear with the same, when and where appointed to Muster and Exercise, and besides those to have at his usual Place of Abode a well fixed Carabine Belt and Swivel, two Pounds of Powder and eight Pounds of Shot, and bring the same into the Field with him when thereunto especially required; and that whatsoever Trooper or Foot Soldier shall fail to appear at Time and Place appointed, or appearing, shall not be furnished and provided with Arms and Ammunition as aforesaid for Muster and Exercise, or shall not keep at his Place of Abode, what by this Act is directed, and bring into the Field with him all and singular the Arms and Ammunition directed by this Act, when thereunto especially required, such Trooper or Foot Soldier for his Neglect in any of the Premises, be fined One Hundred Pounds of Tobacco, every Time he is warned or appointed to appear.

Proviso,

Proviso, THAT eighteen Months Time be given and allowed to each Trooper and Foot Soldier not heretofore listed, to furnish and provide himself with Arms and Ammunition according to this Act; and that no Trooper or Foot Soldier be fined for appearing without, or not having the same at his Place of Abode, until he has been eighteen Months listed; and that the Arms and Ammunition of every Foot Soldier, and the Horse, Saddle, Furniture, Arms and Ammunition of every Trooper, provided and kept pursuant to this Act to appear and exercise, be exempted at all Times from being impressed upon any Account whatsoever, and likewise from being seized or taken by any manner of Distress, Attachment, or Writ of Execution, and that every Distress, Seizure, Attachment, or Execution made or served upon any of the Premises, be unlawful and void, and the Officer and Person that presumes to make or serve the same, liable to the Suit of the Party grieved, wherein double Damages shall be given upon the Recovery.

THAT the Colonel or chief Officer of the Militia of every County once a Year at least, cause a general Muster and Exercise of all the Horse and Foot in his County at one Place, and oftener if occasion; and that every Captain both of the Horse and Foot, once in every three Months train and exercise his Troop or Company, or oftner if occasion require.

Proviso, THAT no Soldier in Horse or Foot, be fined above five Times in one Year, for Neglect in appearing.

THAT all Soldiers in Horse or Foot, during the time they are in Arms, shall observe and perform the Commands of their Officer relating to their Exercise, and that the chief Officer upon the Place shall and may imprison Mutineers and Soldiers who do not their Duty as Soldiers at the Day of their Muster and Training, and shall and may inflict for Punishment for every such Offence any Mulct not exceeding fifty Pounds of Tobacco, or the Penalty of Imprisonment without Bail or Mainprize, not exceeding ten Days.

AND if any Soldier, either in Horse or Foot, upon an Occasion of any Incurfion, Invasion, Infurrection, or Rebellion, or other Alarm or Surprize, shall be summoned to meet at a certain time and place, and fail to appear accordingly, then such Soldier for such his Offence be fined Ten Pounds

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Pounds current Money, or suffer three Months Imprisonment without Bail or Mainprize.

THAT whatsoever Soldier refuses to take upon him to act in, and execute any of the Places and Offices in the Troop and Company wherein he is listed, being known to be capable, and thereunto appointed by his Captain, shall for such Refusal be fined Five Hundred Pounds of *Tobacco*, which being once paid, he shall be afterwards exempted from being fined for any such Refusal.

ALL Captains of Troops and Foot Companies are required and enjoined at every Muster (General or Particular) to take, or cause to be taken, an exact Account in Writing of every Default or Offence, by Virtue of or against this Act made or committed in his Troop or Company, by whom the Default or Offence was made or done, and at what Time, and to sign the same with his own Hand, and deliver it, or cause the same to be delivered within a Month after taking, to the Colonel or chief Officer of the Militia of the County whereunto he belongs, for such farther Proceedings thereupon, as the Persons hereafter impowred to inquire into the Merit of the said Defaults or Offences, shall judge reasonable in the Pursuance of, and according to the Tenor and Meaning of this Act.

THAT the Field Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, shall be always one, have full Power and Authority to meet yearly at the Court-house in their respective Counties, on the first *Thursday* in *October*, or in case of a Failure in meeting that Day, on the next *Thursday* following, to inspect the said Lists or Accounts given by the several Captains to the Colonel or chief Officer as aforesaid, and thereupon to mulct every Defaulter or Offender therein charged, according to the Merit of his Default or Offence, and the Directions of this Act.

Proviso, THAT nothing in this Act be construed to give any Power or Authority to the said Officers and Captains, to meet or act as aforesaid, at any other Place or Times, than the Times and Places aforesaid, or to mulct any Defaulter or Offender, for any Default or Offence whatsoever, by or against this Act, which hath been made or done above a Year.

THAT

THAT whensoever any Soldier charged with a Default or Offence, can and does shew to the Field Officers and Captains, at their Meeting to mulct Delinquents, such Matter or Cause that he ought not to be fined for the same, as they shall judge reasonable, before he be actually fined; it shall be lawful for the said Field Officers and Captains, and they are required to admit of such Soldier's Excuse, and to lay no Mulct or Fine upon him for such Default or Offence.

THAT the several Fines and Penalties in this Act be levied by Distress and Sale of the Goods and Chattels of the Defaulter or Offender, by Warrant from the Colonel or Chief Officer of the County, by the Sheriff, in Case the Defaulter or Offender refuse to pay the same in Specie, upon the Field Officers and Captain's Order, without further Process; and that the said Colonel, or Chief Officer, sign and issue a Warrant, in order thereunto, as Occasion requires.

THAT the said Field Officers and Captains have full Power and Authority to appoint and imploy a Clerk to attend them at the said Meeting, and to keep a Register of all their Proceedings, and to allow the said Clerk such Salary for his said Service, and for providing necessary Books and Paper for their use, as in their Discretion they shall think fit and reasonable, and to pay the same out of their Penalties and Fines accruing by this Act.

THAT the said Field Officers and Captains at their Meetings as aforesaid, have full Power and Authority to order and dispose the *Tobacco's* which shall arise and accrue upon the Fines, Penalties, and Forfeitures in this Act, in such manner as they think best, for paying therewith a Clerk as aforesaid, and for furnishing the several Troops and Companies belonging to the County, with necessary Drums, Colours, Trumpets, leading Staffs, Partizans, and Halberts, and for procuring such and so many Books of Military Discipline as shall be thought convenient; and after all these, for providing Arms and Ammunition for the Country's Use, with the Overplus.

THAT every Captain of a Troop of Horse or Foot, be allowed to take one of his Soldiers under his Command, to be Clerk to his Troop or Company; and the Clerk in consideration of his Service, in that Respect, is excused from carrying and appearing in Arms at any Muster-
General,

1705.

neral, or particular, except in Case of Invasion or Rebellion.

An Act for preventing Frauds in the Customs, and in clearing Ships; for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting of Ballasts and dead Bodies into Rivers and Creeks.

c. 27.

EVERY Master at his Entry shall give Bond, with one Surety to the King, &c. that he will not depart with his Vessel from the District or Port where she is entred, until Duties, Customs, and Fees paid for her and her Loading, nor until duly cleared by the Collector and Naval Officer.

IF the Vessel be under fifty Tun, the Bond shall be for 50*l*.

IF above fifty Tun, and under One Hundred Tun, 100*l*.

IF above One Hundred Tun, 200*l*.

THE Bond shall be delivered back upon due clearing with the Officers, but wholly forfeited without Relief in Equity, in case of condition broken.

THE Master at clearing shall give an Account of his Loading on Oath, and that he will not take any more Goods on Board, for which a Duty is to be paid, or which the Case requires to be entred, without a lawful Permit.

ALL Duties shall be paid to the Collector of the District where the Vessel shall ride, when the Goods are taken in, and to no other, notwithstanding brought from another District or Port.

UPON Supposition of Fraud or Concealments, the Collector or Naval Officer may examine any Officer or Sailor of the Ship upon Oath, or any other Person concerning the Loading of the Ship.

The Collector's Fees.

FOR entring or clearing a Ship or Vessel under fifty Tuns, except from one District to another, 10*s*.

ABOVE fifty Tuns, and under One Hundred Tuns, 15*s*.

IF One Hundred Tuns, or above, 1*l*. 5*s*.

FOR taking a Plantation Bond, pursuant to the Act of Trade, 2*s*. 6*d*.

FOR

FOR a Certificate of Dues paid upon Goods ship'd to the Plantations, 2 s. 6 d.

The Naval Officer's Fees.

FOR entring and clearing a Ship or Vessel under fifty Tuns, except from one District to another, 10 s.

IF above fifty Tuns, and under One Hundred Tuns, 15 s.

IF One Hundred Tuns, or above, 1 l. 5 s.

To taking Bond, 2 s. 6 d.

To a Permit to Trade, 2 s. 6 d.

FOR every loading Cocket when Ports for Import and Export shall be Established, and in the mean time, 2 s. 6 d.

FOR a Permit to load any Ship or Vessel for Exportation, 2 s. 6 d.

FOR Certificate to remove imported Goods from one District or River to another, after they are once landed, until Ports and Towns shall be established, to be paid to the Officer of the District, from whence the said Goods are brought, 2 s. 6 d.

AND for all Ships and Vessels wholly belonging to the Inhabitants of this Country, only half Fees to be taken.

No Collector or Naval Officer to take Fees for any thing else.

IF any Collector or Naval Officer shall take any other or greater Fee, he shall for the first Offence pay One Hundred Pounds of current Money, half to the King, and half to the Party grieved, with Costs, by Action of Debt, Bill, Plaint, or Information.

AND for the second Offence be rendered incapable for ever, and pay twenty Pounds to the Informer, to be recovered with Costs as aforesaid.

IF any Person injured in the Fees by a Collector or Naval Officer, shall not within three Months after inform, any Person thereafter may prosecute and recover [it is not said to himself.]

Proviso, THE Prosecution be within the Year.

EVERY Collector and Naval Officer, within three Months after Publication, is to set up in his Office a fair Table of the Fees according to this Act, and from time to time continue the same, and renew it as occasion.

No Person may cast Stones, Gravel, or other Ballast, into any River, Creek, Haven, or Harbour, below High-water Mark, Penalty on the Master such Ship or Vessel

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1705.

doing it, or suffering any Person under him to do it, ten Pounds current Money, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint or Information.

WHEN any Person shall die aboard a Ship riding in this Colony, the Master of such Ship or Vessel shall cause the Body to be brought on Shore and buried. Penalty 10 l. current Money, half to the King, and half to the Informer, with Costs, by Action of Debt, Bill, Plaint or Information, &c.

An Act for continuing General Assemblies, in Case of the Death or Demise of his Majesty, his Heirs and Successors, and for making Valid all Acts of the Government and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, and the Notification thereof in this Country.

c. 28.

THE present General Assembly, or any other which shall happen hereafter, shall not determine or be dissolved by the Death or Demise of his Majesty, his Heirs or Successors, but that such Assembly may meet and sit according to the Writs, and notwithstanding such Death or Demise, for six Months, and no longer, unless the same shall sooner be prorogued or dissolved by the Government, &c.

IF such Assembly shall be prorogued, then it may meet according to Prorogation, and continue for the Residue of the said six Months, unless sooner prorogued or dissolved by the Government, &c.

ALL Acts, Deeds, and Sentences of the Governour, Lieutenant-Governour, Commander in Chief, or President and Council for the time being, which he or they might lawfully do, sign, or pass, during the Life of the King or Queen, for the time being, shall be valid in Law, although the same happen to be done or signed after the Death of the said King or Queen, and before the said Death be publickly notified by Proclamation here, as also all Acts of Council, Judgments of all Courts, Acts of Justices of the Peace and other Officers, Civil, and Military, within his Colony, which they may lawfully do or pass during the
Life

Life of the King or Queen, &c. and that all Treasons, Rebellions, and all other Crimes whatsoever committed during the said Time shall be punishable, as if the King or Queen had been actually alive at the said Time of committing.

Proviso, THIS not to abridge the Power of the Governour, Lieutenant-Governour, Commander in Chief, or President and Council for the Time being to prorogue or dissolve this, or any other General Assembly within that Time, nor to limit them, nor any of them in the Execution of any Instruction, they shall receive from the succeeding Kings or Queens of *England*, relating to the Prorogation or Dissolution of Assemblies.

An Act for laying an Imposition upon Skins and Furrs, for the better Support of the College of William and Mary in Virginia.

DUTIES at Exportation, either by Land or Water, (*viz.*)

c. 29.

	d.	q.		d.	q.
Raw Hides	3	:	}	Otter Skin	2 :
Tann'd Hides	6	:		Wild-cat Skins	1 : 2
Drest Buck-skins	1	: 3		Minx Skin	1 :
Undrest Buck-skins	1	:		Fox Skin	1 : 2
Doe Skins drest	1	: 2		Maccoons <i>per Dozen</i>	3 :
Doe Skins undrest	1	: 3		Musk Rat <i>per Dozen</i>	2 :
Beaver, the Pound	3	:		Elk Skins <i>per Piece</i>	4 : 2

THE Governour, with the Advice of the Council, to appoint Collectors of these Duties, which shall be paid to them, and their Certificate obtained before the Goods shipt or exported either by Water or Land.

PENALTY, the Loss of such Goods shipt, or endeavoured to be carried out by Land, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information, &c.

THESE Collectors to account to the Governours of the College, or their Order, and shall have six *per Cent.* Salary.

1705.

An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked and dissolute Persons.

e. 30.

IF any Person brought up in the Christian Religion, shall by Writing, Printing, Teaching, or advised Speaking, deny the Being of a God, or the Holy Trinity, or shall assert or ascertain there are more Gods than one, or shall deny the Christian Religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, and be thereof lawfully convicted in the General Court, such Person shall be adjudged incapable, and disabled in Law to enjoy any Office or Employment, ecclesiastical, civil, or military for the first Offence, and for the second Offence be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian to any Child, or Executor, or Administrator of any Person, or capable of Deed of Gift, or Legacy, or to bear any Office, ecclesiastical, civil, or military for ever within this Colony, and shall also suffer from the time of such Conviction three Years Imprisonment, without Bail or Mainprize.

Proviso, No Person shall be prosecuted by Virtue of this Act for any Words spoken, unless Information upon Oath be given in of the Words, before one or more Justice or Justices, within a Month after the Words spoken, and the Prosecution be within twelve Months after the Information.

Proviso, IF any Person convicted the first time in manner aforesaid, shall within six Months after the Conviction, make publick Acknowledgment and Renunciation of such Offence in the same Court where such Person was convicted, then he or she shall be thence freed and discharged from all Penalties and Disabilities incur'd by such Conviction.

IF any Person shall prophanely swear, or curse, or be drunk, and be convicted by one Oath before a Justice, or by Confession, he shall forfeit 5 s. or 50 l. of Tobacco for every such Offence; or if such Offence be committed in the hearing of a Justice, or in any Court of Record, the same shall be a sufficient Conviction.

IF

IF any Person shall refuse to make present Payment, or give sufficient Caution for the Payment of the same, at the laying of the next Parish Levy after the Offence committed, then the said Fine and Penalties shall be levied upon the Goods of such Person, by Warrant or Precept from such Justice, before whom such Conviction shall be, which Warrant may be directed to the Sheriff or Constable to be appraised and valued, as in other Distresses, and if the Offender be not able to pay the same, He or She shall have ten Lashes on the bare Back.

Provided, PROSECUTION for these Offences be made within two Months after the Offence committed.

IF any Person of twenty one Years of Age or upwards, shall wilfully absent himself from Divine Service at the Parish Church or Chapel the space of one Month, excepting, as is excepted in an Act of Parliament, pass'd 1st W. and M. Entitled, An Act for exempting their Majesty's Protestant Subjects dissenting from the Church of *England*, from the Penalties of certain Laws, and shall not, when there, in a decent and orderly manner continue till the said Service is ended; and if any Person shall on that Day be present at any disorderly meeting, gaming, or tippling, or shall on the said Day make any Journey, or travel upon the Road, except to or from Church, Cases of Necessity and Charity excepted, or shall work in the Corn, Tobacco or other Labour of their ordinary Calling, other than is necessary for the Sustainance of Man and Beast, shall forfeit for every Offence five Shillings, or 50 l. of Tobacco.

Provided, PROSECUTION be within two Months, to be levied as aforesaid, upon Refusal of Payment or Caution, and for defect of Distress to suffer Whipping as aforesaid.

EVERY Person not being Servant or Slave, committing Adultery or Fornication, shall for every Offence of Adultery forfeit 1000 Pounds of Tobacco and Cask, and for Fornication, 500 Pounds of Tobacco and Cask to be recovered by the Suit of the Church Wardens of the Parish, or one of them [no Costs] by Bills, Plaint, or Information.

AND if any Person offending therein, shall not after Conviction make Payment, or give sufficient Caution for the Payment of the Fine, at the laying of the next Parish

1705.

Levy after such Conviction, shall have twenty five Lashes at the publick Whipping Post.

ALL Fines herein shall be paid to the Church Wardens of that Parish wherein the Offence shall be committed, who shall be accountable for the same to the Vestry for the Use of the Poor of the Parish, which said Vestry shall annually on *Easter Tuesday*, if fair, if not the next fair Day, at the Parish Church, distribute the said Fines and Forfeitures, according to their Discretion, among the Poor of their Parish.

THIS Act to be publickly read in all Churches and Chapels, by the Minister, Clerk, or Reader, on the first or second *Sundays* in *April* and *September* yearly. Penalty twenty Shillings for every such Omission.

THE Church Wardens to provide a Copy of this Law at the Charge of the Parish.

Provided, NOTHING herein shall exempt a Clergyman in this Colony, who shall be guilty of any the Crimes herein before mentioned, from such farther Punishment as might have been inflicted on him for the same, before the making of this Act.

An Act concerning Juries.

c. 32.

COUNTY-Court to cause twenty four Frecholders to be summoned to *May* and *November* Courts yearly, out of which shall be impannelled and sworn a Grand-Jury who shall make Presentments, and be discharged at the Adjournment of the same Court; but if they can't agree upon their Presentments before such Adjournment, they may make them at the next Court, always observing that when they make their Presentments, upon the Information of any other Person than themselves, that they write the Names of such Persons under the Presentments.

AND if any Person summoned to appear at *May* or *November* Court, shall fail so as no Grand-Jury can thereon be impannelled, such Person shall be fined by the Court 200 Pounds of Tobacco to the King, &c. to the Use of the County.

COURT failing to give Order of such Summons, or on Appearance of fifteen failing to swear a Grand-Jury: Every Member so failing, shall forfeit 400 Pounds of Tobacco to the King for Support of the Government, by Action of Debt, Bill, Plaint, or Information.

SHERIFF

SHERIFF failing upon Order given, to forfeit 1000 *l.* of Tobacco to the King, by Action of Debt, Bill, Plaint, or Information.

FOR Presentments to be made at the general Court, the Sheriff may summon a Grand Jury of the By-standers being Freeholders; for having the abler Jurors, the general Court may the first and second Day of their sitting, make a Rule for the Sheriff to prepare his Grand-Jury Men.

EVERY Person summoned failing to appear, shall forfeit 400 Pounds of Tobacco to his Majesty, by Action of Debt, Bill, Plaint, or Information.

Proviso, No Grand-Jury shall make any Presentments as of their own Knowledge, upon the Information of less than two of themselves.

FOR Trial of all Causes (Treason and Felony excepted) both in the general and County-Courts, the Sheriffs shall, every Morning the Court sits, summon a sufficient Number of the By-standers to attend the Court that Day, as Jury-Men for all Causes which shall happen in the Day.

IF any By-standers being summoned shall fail to attend the Court, so as a sufficient Jury cannot be impannelled, he shall be fined by the Court 400 *l.* Tobacco to the King.

THE Trial of all Treasons and Felonies, the Sheriff upon a Commitment of any Person to him, shall signify the same to the Clerk of the general Court, with the Time and Place of committing it, whereupon the Clerk shall issue a *venire facias* to the Sheriff of the County where the Crime is alledged to be committed, requiring him to summon and return the Names of six Freeholders of the Vicinage to the fourth Day of the general Court, to be part of the Jury, the remainder whereof is to be made up of By-standers.

EVERY Juryman to be a Freeholder, possess'd of a Visible, Real and Personal Estate of 100 *l.* Sterling, or not to be admitted in any Case of the general Court, and fifty Pounds Sterling in the County-Court, tho' not a Freeholder; no Sheriff to Return any Person not capacitated as above directed.

Proviso, ALL Exceptions to be made to a Juryman on Account of his Estate, to be taken before he be sworn, or not allowed.

1735.

An Act for the Distribution of Intestate Estates, declaring the Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates.

c. 33.

AFTER Debts, Funerals and just Expences paid, the Surplusage of the Personal Estate of every Person dying Intestate, shall be distributed thus, viz.

ONE third to the Wife, and all the Résidue in equal Proportions among the Children; and such Persons as legally represent them, in case any be dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by him in his Lifetime by Portion equal to his Share, which shall by such Distribution be allotted to the other Children, and in case any Child (other than the Heir at Law) shall have any Estate by Settlement from the Intestate, or shall be advanced by him in his Lifetime, by Portion not equal to the Share, which shall be due to the other Children by such Distribution, then so much of the said Surplusage to be distributed to such Child or Children, as shall have any Lands by Settlement from the Intestate, or were advanced in the Lifetime of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated: But the Heir at Law notwithstanding any Land he shall have by Descent, or otherwise from the Intestate, is to have an equal Share in the Distribution with the rest of the Children, without any Consideration of the Value of the Land he hath by Descent, or otherwise from the Intestate.

IF after the Death of the Father, any of his Children shall die Intestate, without Wife or Child in the Lifetime of the Mother, every Brother and Sister, and the Representative of them shall have an equal Shire with her.

IF all the Children shall die Intestate without Wife or Child in the Lifetime of the Mother, then the Portion of the Child so dying last shall be equally divided, half to the Mother, and half to the next of the Kin by the Father, and if there be no such Kin by the Father, then the whole shall be to the Mother.

IF there be no Children, nor any legal Representative of them, then half to the Wife, and half to be equally divided to the next of Kin, in equal degree to the Intestate,
and

and those who legally represent them, and if none such, then all to the Wife.

Proviso, No Representative to be admitted among Collaterals, after Brothers and Sisters Children.

· If there be no Wife, then all among the Children, and if there be no Child, then to the next of Kin, in equal degree to the Intestate, and their legal Representatives as aforesaid, and in no other manner whatsoever.

Proviso, WHEN any Person dies Testate, if he leaves one or two Children, and no more, he shall not dispose of more than two third Parts of his Estate by Will from his Wife, and if such Person shall leave more than two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children; but if he leaves no Child, he shall not leave his Wife less than half; but if any Will shall be paid otherwise, it shall be void as to that, and she impowered to recover her Part as before directed,

Proviso, IF such Wife die before Distribution of her deceased Husband's Estate, her Executors, or Administrators may sue for so much as shall be given her *per* Will and no more.

Proviso, IF the Widow of a Person dying Intestate, shall die before the Appraisment, her Right to such Estate shall determine, and her Executors and Administrators shall have no Action for the same.

Proviso, As due Regard to Creditors; no Distribution of an Intestate's Estate shall be made till nine Months after the Intestate's Death, and then every one to whom any Share shall be allotted, shall give Bond with sufficient Surety in the Court where such Distribution shall be made, that if any Debt or Debts, being truly owing by the Intestate, shall be afterwards sued for, or recovered otherwise duly made to appear, then He or She shall respectively refund or pay back to the Administrators, his or her rateable Part of that Debt or Debts, and the Costs of Suit and Charges of the Administrators, by reason of such Debt out of the Part allotted him or her.

THE Widow of a Person Intestate shall be indowed of a third of all her Husband's Lands, Tenements, and other real Estate in manner as is prescribed by the Laws and Constitutions of *England*, and until such Dower shall be assigned her, shall continue in the Mansion-house, and the Messuage and Plantation thereto belonging without Rent.

Proviso,

1785.

Proviso, IF any Widow shall have such a Jointure settled on her in the Lifetime of her Husband, as by Law doth bar her of her Dower, She shall not hold Possession of any Houses or Messuages of her said deceased Husband, other than what shall be so settled on her.

IF any Person dies leaving an Estate of so small Value that no one will administer, the Court three Months after such Person's Decease, may order the Sheriff to sell the same by Out-cry, and the Purchasers shall give Obligations for the same with Security, payable to the Sheriff and shall by him be assigned to such Creditors of the Deceased, or such other Persons as the Court shall direct (always regarding the Dignity of the Debts) and for his Trouble shall be allowed five *per Cent.* upon the Sales.

WHEN any Person shall be chargeable as Executor, Administrator, or otherwise, with the Estate of any Person deceased, or with any Orphan's Estate and dies so chargeable, the Estate of such Person so dying, shall be liable to pay and satisfy such other Persons or Orphans Estates, before any other Debts whatsoever.

EVERY County-Court shall take good Security of all Guardians for the Estate of the Orphans committed to their Charge, and shall early inquire into such Securities, and if any of them become defective or insufficient, shall cause new Securities to be given, and if it shall appear that the said Estates are likely to be imbezzled, or that the Orphans are not taken care of and educated according to their Estates, then the Court shall have Power to remove the said Orphans (not being of Age to chuse their Guardians) and their Estates, and to place them under other Persons, taking good Security, that when the same shall become payable to the Orphans, they shall be paid without Abatement (other than of the Profits of the said Estate) for Diet, Cloathing, or any other Matter soever.

IF any Orphan's Estate be so small, that no Person will maintain him for the Profits, such Orphan shall by Direction of the Court be bound Apprentice to some Handicraft Trade or Mariner till twenty one Years of Age, and the Master shall be obliged to teach him to read and write, and at the Expiration of his Time to pay and allow him as provided for Servants imported.

IF such Apprentice be ill used by his Master, or that he fail to teach him his Trade, the Court may remove him and bind him to another Person.

IF any County-Court shall grant an Administration upon any Deceased's Estate, or committing Orphan's Estate to any Person, shall fail to take good Security for the same in such manner as the Law directs in every such Case, the Justices that shall grant the Administration, or commit such Orphan's Estate, and every of them, shall be chargeable for all such Loss and Damage as shall accrue by reason of such failure, to be recovered by Action at the Common Law, at the Suit of the Party aggrieved.

Proviso, WHEN any Party being Security in any Court for any Deceased's Estate, or for any Orphan's Estate, shall think himself in danger of suffering by reason of being such Security, and shall petition for Relief either by Counter Security, or otherwise, the said Court may summon the Party with whom such Security was given, and make such Order and Decree therein as to them shall seem consistent with Equity and good Conscience, for the relief and indemnifying of such Party so petitioning.

THE County-Court may regulate the Funeral Expences of any Person deceased according to his Estate.

An Act declaring how long Judgments, Bonds, Obligations and Accounts shall be in Force, for the Assignments of Bonds and Obligations, directing what Proof shall be sufficient in such Cases, and ascertaining the Damage upon protested Bills of Exchange.

No Action shall lie for any Debt due *per* Judgment upon Record, Bond, Bill, or Obligation, or other Notes, or upon Account, unless Suit be commenced and prosecuted according to the Limitations following, *viz.*

By Judgment upon Record, within the space of seven Years next after such Judgment first obtained or renewed by *Scire facias*. By Bond or Bill Obligatory, wherein no certain Day of Payment is exprest five Years next after the Date of such Bond or Bill Obligatory, and if any certain Day or Days of Payment be exprest, then within five Years after the last Day of Payment so exprest. By Bond for Performance of Covenants within five Years next after

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ter the Breach of Covenants assigned. By Note drawn on any Person within this Colony, either on behalf of the Person to whom the same shall be made payable (or of the Person that shall accept and pay the same) against the Drawers within three Years after the Date of such Note, and if such Note shall be accepted by the Person on whom it shall be drawn, within three Years after such Acceptance against the Acceptor, by Accounts for Goods or Wares delivered, or for Clerks, Sheriffs, or other Officers Fees, Chirurgeons Accounts, or any other Accounts within three Years after the same shall grow due, if the Person or Persons to whom the same shall be due, be resident within this Colony, and within five Years, if the Person to whom the same shall be due, shall not be resident in this Colony.

Proviso, If any Person chargeable in any of the Cases aforesaid shall abscond, or privily remove out of the County, and shall not leave sufficient visible Estate within the same to satisfy all such Debts and Dues, such Persons shall not have any Benefit or Advantage by the Limitations, or any of them.

DEFENDANTS Discounts shall be allowed in Court.

BONDS or Bills for Debt may be assigned, and the Assignee, his Executors and Administrators, may bring Action in his own Name.

Proviso, In any Suit upon Bond or Bill assigned, the Plaintiff shall allow Discounts, either against himself or the Obligee.

IN Suits for Debt by Account (other than for Secretary, County-Court, Clerk, Sheriff, or other Officers Fees, publick County and Parish Levies, or Physicians or Chirurgeons Accounts, and the Accounts of Merchants living out of this Country) if the Plaintiff shall not prove his Account by the Oaths of two Witnesses, or by his own, or the Oath of one other Witness, it shall be lawful for the Defendant in open Court upon his Corporal Oath to deny the Receipt of the Particulars, or the Performance of the Service wherewith he is charged, or any part thereof; and such Oath so made, shall be held sufficient to discharge him of so much as shall be so denied; and if the Defendant shall not make any such Oath, the Plaintiff's Oath to the Truth and Justness of the Account shall be taken for Truth,

AND if the Plaintiff be Executor or Administrator, who cannot be capable of making Oath to the Account, if he can bring one Evidence to prove the Account, and shall himself make Oath that he found the Account so stated in the Testator or Intestate's Books or Papers, such Proof shall be accounted sufficient.

BUT if he cannot bring such Evidence besides his own Oath, in such Case, the Defendant shall be admitted to deny the same upon Oath; and if the Defendant shall refuse to deny the same upon Oath, then the Plaintiff making Oath that he found the Account so stated in the Testator or Intestate's Books, or Papers, shall be good Proof, and Judgment shall be granted thereon.

IN Case of *Non est Inventus* return'd, if the Defendant do not appear, the Oath of the Plaintiff as aforesaid will be good Proof, and Judgment be accordingly.

Proviso, IN Physicians and Chirurgeons Accounts, the Court may put Valuation upon the Medicines, Visits, Attendance, and other Services as they shall think meet.

IN Action against Executors or Administrators upon Judgment, Bond or Bill, the Plaintiff not being Executor or Administrator, shall declare upon Oath what part of Satisfaction is received.

Proviso, WHERE the Plaintiff or Creditor is obliged by this Act to make Oath to the Truth or Justness of any Debt or Action, such Plaintiff or Creditor may make such Oath in the Court of the County where he resides, and if he be out of the Country, before the Governour or Mayor of the place he shall be in, and take a Certificate thereof from the Clerk of the same Court, or the Governour or Mayor, as the Case shall be; and such Certificate shall be sufficient, as if the Oath had been made in the Court where the Suit was brought.

Provided also, THAT if the Plaintiff or Creditor obliged to make Oath as aforesaid, be not able to travel to Court, he may make Oath before two Justices (*Quorum unus*), and a Certificate from them thereof shall be sufficient, as if the Oath had been made in Court.

THAT suitable time may be given to Persons out of the Country to produce such Certificate, when any Suit shall be brought against Executors or Administrators by Judgment, Bond or Bill; the Plaintiff being out of the Country, the Executor or Administrator shall retain Assets

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1705. in his Hands for two Years, sufficient to satisfy the same, and not suffer the Estate to be recovered out of his Hands in that time for Debts of less Dignity.

ALL Goods imported by any Person, being Factor or otherwise, are chargeable for such Persons Debts.

FIFTEEN *per Cent.* upon Bill of Exchange, and Charges of protest for all Bills, drawn payable in *England, Ireland, Wales, or Berwick*, and protested.

An Act for Limitation of Actions, and avoiding of Suits.

c. 35. ACTIONS upon the Case (other than for Slander,) *Sur-trover*, Actions for Account, (other than such as concern the Trade of Merchandize between Merchant and Merchant, or their Factor) for Trespass. Detinue, and Replevin for Goods, and Cattle of Trespass, *quare Clausum fregit*, shall be brought within five Years, next after the Cause of such Action or Suit, and not after. Actions of Trespass, of Assault, Battery, Wounding, or Imprisonment, within three Years next after the cause of such Action, and not after. Actions upon the Case for Words within one Year, next after the Words spoken, and not after.

Proviso, IF in any of the said Actions, Judgment be given for the Plaintiff, and be afterward reversed by Error, or a Verdict be past for the Plaintiff, and upon Matter alleged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill, or if any of the said Actions shall be brought by Original, and the Defendant therein be Out-lawed, and shall after reverse the Out-lawry: In all such Cases, the Party Plaintiff, his Heirs, Executors, or Administrators may commence a new Action, within one Year after such Judgment reverse or such Judgment given against the Plaintiff, or Out-lawry reverse, and not after.

AND in all Actions, *quare clausum fregit*, wherein the Defendant shall disclaim in his Plea, to make any Title or Claim to the Land in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence or Involuntary, the Defendant shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence or Involuntary, and a Tender or Offer of sufficient Amends for such Trespass before the Action

on brought thereupon, or upon some of them the Plaintiff shall be inforced to join Issue; and if the said Issue be found for the Defendant, or the Plaintiff be nonsuited, he shall be barred from the said Action, and all other Suits concerning the same.

IN all Actions upon the Case for Slander, if the Jury upon Tryal of the same, or the Jury that shall enquire of the Damage, shall find Damage under 40 s. then the Plaintiff in such Action shall recover only so much Costs as Damage given.

Proviso, IF any Person that is or shall be entituled to any such Action of Trespass, Detinue, *Surtrover*, Replevin Accounts, Debt, Assault, Menace, Battery, Wounding, or Imprisonment, shall at the time of such Action accrued, be within twenty one Years of Age, *feme Covert*, *non compos mentis*, Imprisoned beyond Sea, or out of the Country; then such Person shall be at Liberty, to bring the same Actions according to the Limitation aforesaid, after such Disability removed.

Provided also, that if the Defendant shall conceal himself, or by Removal out of the Country, or County, or other indirect means, defeat or obstruct any Person who hath Title thereto, from bringing and maintaining any of the aforesaid Actions, within the limited times aforesaid, then such Defendant shall not be admitted to plead this Act in Bar.

An Act for Attorneys preventing Suits, on behalf of Persons out of the Country, to give Security for the Payment of such Costs and Damages, as shall be awarded against them.

EVERY Person bringing Suit for any Person out of the Country, by Virtue of a Warrant of Attorney, or other Substitution, shall at the first Appearance in any Court, or before any Judge, or Magistrate to prosecute, give sufficient Surety to satisfy and pay the Party prosecuted, all such Damages, Costs, and Charges, as upon the same Suit shall be awarded, or on failure of so doing the Suit shall be dismiss.

c. 36.

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An Act directing the Manner of Levying Executions, and for Relief of poor Prisoners for Debt.

c. 37.

WHEN a Sheriff shall have levied a *Fieri facias* or *Levari facias* upon Goods and Chattels, he shall keep them in his Possession twenty four Hours, and then they shall be appraised, unless the Party from whom they were taken, shall give Bond with good Security that they shall be produced for Appraisment at the End of Days after Surety given, and then the Appraisment shall be made as hereafter is directed, and thereupon the Property of the Goods so appraised shall be vested in the Sheriff, or other Officer, levying the same to the Use of the Person who obtained the Writ; and accordingly such Officer shall give notice thereof unto the Person, that he may receive the Goods into his own Possession.

FOR the more equal Appraisment of the Goods and Chattels so levied, the Officer levying the same shall give immediate Notice thereof to the Person, or Persons, from whom they shall be taken, and to the Person at whose Suit the Writ issued, that each Party may name two Appraisers, and value such Goods and Chattels upon their corporal Oath, which the said Officer is to administer; and in case either of the Parties shall omit to name the Appraisers, the Officer shall name two honest Freeholders of the Vicinage for the Party so omitting, and if those Appraisers be equally divided, they shall chuse an Umpire who shall be sworn as aforesaid, and shall decide which Party hath made the truest Valuation, and that decision shall determine the Valuation. *Vide 43. A. 1705.*

Proviso, IF the Goods and Chattels so appraised shall over-balance the Execution, the Officer shall immediately return the Overplus to the Party from whence it was taken, if it can be divided, if not the Value thereof; and shall also make Return of the Writ to the Office from whence it was issued, which Return shall be entred in the Records of the said Office.

WHEN any Person shall be taken and imprisoned by virtue of a *Capias ad satisfaciendum*, if such Person upon his corporal Oath declare before some Justice of the County where he shall be imprisoned, that he hath none of the Specie which is due from him, whether it be Money, Tobacco, or other Commodities, then it shall be lawful for
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such Person to make Tender of so much of his Estate, as shall be of treble the Value of the Sum to be paid, out of which the Creditor shall make choice of so much as upon a reasonable Valuation of four or five Men named as aforesaid, shall be sufficient to make him Satisfaction for his Debt and Costs; after such Appraisment, the Person so imprisoned shall be discharged from Imprisonment, and the Estate so appraised shall be delivered to such Creditor; and if the whole personal Estate shall not amount to treble the Value of the Sum due, then after Oath as aforesaid, the Prisoner shall exhibit upon Oath to the best of his Judgment a true Inventory of all his personal Estate, and make tender thereof to the Creditor, and if the Creditor thereupon shall not make his choice in three Days after such Tender, any Justice of the County may make the choice and chuse Appraisers, and thereupon Proceedings shall be had in like manner as is afore directed, and the Person imprisoned shall thereupon be discharged; and thereupon the Sheriff, &c. shall make Return of such Writ according to the Truth of the case.

AND if such Prisoner shall make tender as is afore directed to the Sheriff or other Officer, in whose Custody he shall be, such Officer shall within twenty four Hours give Notice thereof to the Creditor, or other Person as aforesaid, if he be to be found within his County, and if he be not in his County, nor any known Attorney for him, then Notice shall be given to a Justice, who at the End of three Days after such Notice given, shall make choice as aforesaid.

AND if any Sheriff or other Officer shall neglect to do his Duty therein, he shall be liable to an Action at the common Law for false Imprisonment, at the Suit of the Party grieved.

Proviso, NOTHING shall be accounted a Tender of any Estate within the Meaning of this Act, unless it shall be made in such Manner, that immediately upon the making choice thereof as aforesaid, the Estate may be delivered to the Officer as aforesaid, for the Use of the Creditor.

IF any Person imprisoned as aforesaid, and having deliver'd up to the Officer in whose Custody he shall be, all his whole Estate for and towards Satisfaction of the Debt, after having lain three Months in Prison, shall upon his corporal Oath before two Justices of the Peace declare,
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that he hath no Estate left, either Real or Personal, save only one Suit of Cloaths, not exceeding the Value of fifty Shillings, then the said Justices shall make Certificate thereof, and such Person having such Certificate shall be discharged.

Proviso, No Prisoner under Execution for any Debt heretofore contracted, shall be allowed to discharge himself by this Act: Nor any Prisoner whatsoever shall receive any Benefit by making Oath as aforesaid, in case the Debt exceed the Sum of ten Pounds current Money, or two thousand Pounds of Tobacco.

Provided, NOTWITHSTANDING the Discharge of the Person of such Prisoner as aforesaid, upon taking the Oath as aforesaid, every Judgment taken against him alone, or with any other Person, shall stand and be good and effectual in Law, to all Intents and Purposes, against Lands, Tenements, Hereditaments, Goods and Chattels, only of the said Prisoner so discharged as aforesaid, and that it shall and may be lawful for such Creditors, his Executors, Administrators and Assigns, to take out any new Execution against the Lands, Tenements, Goods and Chattels of such Prisoner (the wearing Apparel, Bedding in use, and Tools necessary for his Trade, only excepted) for Satisfaction of his Debt, in such manner and form as he might have done if the Person of such Prisoner had never been taken in Execution, and such Judgment not to be barr'd by Limitation.

Proviso, IF any Prisoner for Debt shall desire to make Oath as aforesaid, the Sheriff may carry him from Prison to one or two Justices as the case shall require, in order to make such Oath without being liable for an Escape.

Proviso, IF such Person carried out of Prison as aforesaid be not discharged upon taking the Oath, the Sheriff or other Officer shall carry him back to Prison, or be liable for the Escape.

An Act for removing Criminals from the Goals of the Counties, where they shall be apprehended, to the publick Goal at Williamsburg.

C. 38.

Enacted, THAT when any Person shall at any Time hereafter by Precept from any Justice of the Peace within this Dominion, be committed to the Goals of the County

County for any such criminal Offence, as shall appear to such Justice to be triable in the general Court only ; in such case it shall be lawful for the same Justice to issue his Warrant to the Sheriff of the County, requiring him to summon the Justices of the same County to meet at a certain Time to be appointed in the said Warrant, not less than five Days, nor above ten Days after the Date thereof, and hold a Court for examining the Prisoner and all Witnesses, and Circumstances relating to the Matter whereof he or she shall be accused, and to consider whether, as the case shall appear to them, he or she may be tried in the County, or must be removed from thence to be tried at the general Court, which Warrant the said Sheriff is hereby required, to obey and execute, and by virtue hereof the said Justices may meet and hold Court for the Intents herein mentioned ; and if upon Examination before the said Court, they are of Opinion that the Prisoner ought to be tried, for the Fact whereof he or she is accused, before the general Court, they shall signify the same by entering such their Opinion upon Record in the said Court, and shall remand the said Prisoner to the county Goal ; and thereupon it shall be lawful for any two Justices of the said Court, whereof one shall be of the *Quorum*, by Precept under their Hands and Seals, signifying the true cause of commitment, directed to the Keeper of the publick Goal, at the City of *Williamsburgh*, to remove the said Prisoner and commit him or her to the said publick Goal, there to remain until he or she shall be thence delivered by due Course of Law, by virtue whereof the Sheriff of the said County shall as soon as he can conveniently remove the said Prisoner to the said publick Goal, and shall deliver him or her together with the said Precept to the Keeper thereof, who is hereby required to give due Obedience thereunto, and to receive, and in his Custody safely keep such Prisoner so delivered to him by virtue thereof.

AND for the better enabling the said Sheriff to perform his Duty herein, it shall be lawful for the said two Justices as aforesaid by Warrant under their Hands and Seals to empower the said Sheriff, as well within his own County as in all other Counties, thro' which he shall have occasion to pass with the said Prisoner, to impress such and so many Men, Horses, Sloops, or Boats, as shall be

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necessary for the safe conveying the said Prisoner to the publick Goal aforesaid, which Warrant the said Sheriff is hereby authorized and impowered to put in Execution, and all other Persons are required to give due Obedience thereunto, so as the said Sheriff shall proceed therein in manner as is directed by Law, upon such impressing in other Cases.

Proviso, THAT when any Prisoner shall by the Court be remanded to the County Goal as aforesaid, if the Offence be of such a Nature as the Prisoner may be admitted to Bail, then and in such Case he or she shall not be removed out of the County to the said publick Goal, in less than twenty Days after such remaining, to the End, that in that Time Bail may be procured and given in the County.

Proviso, THAT nothing herein contained shall be construed so, as to exclude or hinder any Person from being admitted to Bail, after his or her Removal into the said publick Goal, in such case as by Law he or she may be bailable.

IF upon the first commitment of any Prisoner to the County Goal, he or she shall desire any Witness on his or her Behalf to be examined at the said County-court, then the Sheriff upon his or her Request, is hereby required to summon such Witnesses to appear at the said Court accordingly; and if after being remanded to Goal as aforesaid, the Prisoner shall desire any Witnesses to appear at the Trial in the general Court, then the Clerk of the general Court at his or her Request, or at the Request of any other Person in his or her Behalf, shall issue *Subpoenas* for such Witnesses to appear accordingly.

IN the Time of the general Court it shall be lawful for the Keeper of the publick Goal, being thereunto impowered by order of the said Court, to impress such and so many Persons, as shall be necessary for the guarding and keeping safe of all such Prisoners as shall be and remain committed unto his Custody.

THE Fees due to the Sheriff for such Removal of any Prisoner from the County Goal to the publick Goal, shall be after the rate of 100 *l.* of Tobacco *per* every twenty Miles distance, and the Fees to the said Sheriff and Keeper of the publick Goal, for keeping and dieting any Person
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in the said Goal be five Pounds of Tobacco each Day and no more.

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An Act for making, clearing and repairing the Highways, and for clearing the Rivers and Creeks.

c. 39.

WHERE the same is not already done, the Surveyors of the Highways to lay out publick Roads in such Places, as shall be most convenient for passing to and from the City of *Williamsburgh*, the Court-house of every County, the Parish Churches, and such publick Mills and Ferries as now are, and hereafter shall be erected; and from one County to another, and the Highways already laid out, with such as shall be laid out by Virtue of this Act, be at all Times kept, cleared, and grubbed thirty Foot wide.

ANY Person felling a Tree into the Road, and not clearing it again within forty eight Hours, or that shall make a Fence into it, shall pay ten Shillings to the Informer, with Costs.

Proviso, It shall be in the Power of the County-Court to direct the Alterations of the publick Roads, or the making of new Roads.

ALL Male labouring Titheable Persons are liable to the Surveyor's Call to assist at the laying out, clearing and repairing the Highways, on Penalty of five Shillings to the Informer, to be paid by the Party if free, and by the Owner if a Servant or Slave, for each Servant or Slave with Costs.

Proviso, If the Justice shall allow of the Defendant's Failure upon Reason given, he shall acquit him of the Forfeiture.

THE Surveyor failing in his Duty, shall pay fifteen Shillings to the Informer, with Costs.

THE Surveyor to make Bridges in all necessary Places, which Bridges shall be at least ten Foot broad, level and passable, and keep them in Repair.

THE County-Court to lay a Levy *per Poll* for Bridges, where the Surveyor and his Gang cannot make or repair them; and if such Bridge be between two Counties, the Charge shall be born proportionably to the Number of Titheables in each County.

EACH Planter to keep a convenient Passage for Man and Horse to his House. Penalty ten Shillings to the Informer, and ten Shillings for every six Months such Passage shall

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be wanting, or being made, shall be unrepaired, with Cost.

ALL such landing Places as have rolling Houses built near them, or have been heretofore commonly used for bringing Tobacco into, or to which there are plain Roads already made, shall be held and accounted publick Landings, and the Road to such Landings, or any other publick Landing hereafter to be appointed by the County-Court, shall be kept in Repair for Carts to pass.

COUNTY-Courts annually between the last of *April* and the last of *August*, to appoint Surveyors of the Highways, and the Persons to clear the Rivers and Creeks from Trees, Roots, and other Obstructions.

THE Courts failing herein to pay 2000 *l.* of Tobacco to the Informer, with Costs, the Persons for clearing the Rivers and Creeks failing to perform their Duty sometime in the Months of *March* and *October* yearly, shall pay fifteen Shillings to the Informer, with Costs.

IF any Person fell a Tree into the River or Creek, and not immediately clear the same away again, he shall pay for the first Offence ten Shillings, and for every the like Offence afterwards, fifteen to the Informer, with Costs.

EVERY Person setting a Wair, shall pull up the Stakes again as soon as the Wair becomes useles. Penalty fifteen Shillings to the Informer, with Costs.

An Act for regulating Ordinaries, and Restraint of tippling Houses.

c. 40.

THAT all Persons whatsoever retailing Liquors, shall sell the same by sealed Measures and none other, and that all Ordinaries be provided with Gallon, Pottle, Quart, Pint, and Half-pint, sealed Measures. Penalty ten Shillings Current Money to the Informer, with Costs.

Provided, ALL Persons whatsoever who shall retail Liquors in any Publick House or Houses, shall have Liberty to sell in Bottles any Liquors, the said Bottles being sold for no more than they hold or contain.

WHOSOEVER shall retain Liquors in their Houses without License first had and obtained, shall forfeit and pay 2000 *l.* of Tobacco.

THE Method of obtaining the License is to petition the County-Court, and if they think it convenient for that County, and the Man of Ability sufficient to comply with the

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the Intent of the Law, in providing convenient Lodging and Diet for Travellers, and Pasturage, Fodder, Provender, and Stabling for Horses as the Season shall require. (The Court is not to grant License to any poor Body under pretence of keeping him from the Parish, but only to such as seem of Ability to keep and provide all Things necessary to comply with the Intent of the Law for Entertainment, and Housing fitting for the same.) And the said Petition being approved, the Court shall take Bond with good Security in the penal Sum of ten thousand Pounds of Tobacco payable to the King, and with Condition to find and provide as is here specified, *viz.*

THE Condition of this Obligation is such, that whereas the above bound *A. B.* hath obtained a License to keep an Ordinary at _____ if therefore the said *A. B.* doth constantly find and provide in his said Ordinary good wholesome and cleanly Lodging and Diet for Travellers, and Stableage Fodder and Provender, or Pasturage and Provender, as the Season shall require, for their Horses, for and during the Term of one Year, from the _____ Day of _____ and shall not suffer and permit any unlawful Gaming in his House, nor on the Sabbath*Day suffer any Person to tipple or drink more than is necessary, then this Obligation to be void, &c.

SECURITY being thus given the Court to order the Clerk to prepare the License, which must be signed by the first Justice in Commission of Peace, and the said License to stand good for one Year and no more, after the Date of the Order. The Party obtaining the License to pay thirty five Shillings for the Governour's Fee for the same.

IF any Ordinary-keeper shall permit in his House unlawful Games, or shall suffer any Person or Persons on the Lord's Day, or any other Day set a-part by publick Authority for Religious Worship, to tipple in his House or drink more than is necessary, or shall harbour or entertain any Servant or Seamen, contrary to the Intent and Meaning of this Act, two Justices of the Peace (*Quorum Unus*) upon their own View or Knowledge, or upon Proof made by one credible Witness, may suppress the said Ordinary, until

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the next succeeding Court; and upon Certificate made by the said two Justices of the said Offence, and further Enquiry into the same, the County-Court may disable the Offender from keeping an Ordinary, or restore him to keep it again *per* the old License, or by granting him a new one, as they shall see Cause.

AND if any Ordinary-Keeper shall retail, or sell any Liquor in the *Interim*, from the Discharge of the two Justices before he be restored by the County-Court again, he shall be liable to all the Penalty as if he had no License.

THE Justices in *March* Court annually to set the Rates and Prices, that Ordinaries shall entertain and sell at, as Liquors according to Measure, and Diet, Lodging, Fodder, Provender and Pasturage upon Penalty of 5000 *l.* Tobacco.

Provided, IF the Default should be for want of a sufficient Number of Justices meeting, they shall then the next Court following do it, and they shall not be culpable by this Law.

AND if any Ordinary-Keeper shall ask, demand, receive, or take greater Prices for any Drink, Diet, Lodging, Fodder, Provender, or Pasturage, than shall be set down and rated by the Justices of the Court, he shall pay ten Shillings to the Informer for every such Offence, to be recovered with Costs before a Justice.

EVERY Ordinary-Keeper shall within one Month after the Rates are so set by the Justices of the Court, get of the Clerk a fair Table of the Rates so set, and shall openly set them up in the common entertaining Room of the said Ordinary, and there keep them the whole Year, and until the Court set new Rates again; and every Ordinary-Keeper so failing, shall forfeit 2000 *l.* of Tobacco, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, &c. and likewise all Fines, and Forfeitures in this Act before mentioned, to be disposed in like manner.

IF any Person presume to keep a tippling House, or retail Liquors without a License, and be lawfully convicted, and cannot pay the said Fine of 2000 *l.* of Tobacco, or give Security to pay the same at the Crop, he shall receive instead thereof at the Publick Whipping-Post, by order of Court before whom such Conviction shall be made, twenty one Lashes well laid on.

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No Ordinary-Keeper, or Master of a tippling House, after Publication of this Act, shall trust or sell Drink to any Sailor in actual Pay on Board any Ship, for any Value whatsoever upon Credit, or to any Person or Persons who are not Masters of two Servants, or visibly worth fifty Pounds Sterling at least, more than the Value of 300*l.* of Tobacco.

SUCH Ordinary-Keeper so offending shall forfeit and lose all such overplus Tabacco and Money, for which they shall give such Credit; and if the Ordinary-Keeper shall take a Bill, Obligation, or other Security for above 300*l.* of Tobacco in one Year, under pretence that it is for other Goods, the said Ordinary-Keeper shall forfeit his License, and also double the Sum of such Obligation covertly taken, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

AND if any Ordinary-Keeper shall harbour, entertain, or sell any Liquors to any Sailor in actual Pay on Board any Ship, or Servant belonging to any Person within this Colony without License from their said respective Masters, such Ordinary-Keeper for every such Offence, shall forfeit and pay ten Shillings to the Master of the Ship, the Sailor belongs to, or Master of such Servant, (with Costs.)

Provided, THIS not to extend to the Ordinary-Keepers of *Williamsburg*, giving Credit to any Persons whatsoever, in the sitting of the General Court or Assembly.

An Act for Encouragement of Building Water Mills.

IF any Person, willing to build a Water Mill, hath Land only on one side the Run, and the Owner of the Land on the other side, shall refuse to let him have an Acre of Land on the other side at a reasonable Rate, the Court of the County, upon Petition, are hereby impowered and required to order two Commissioners, or such other credible Persons as they shall think fit, to view the said Land, and if it takes not away Housing, Orchards, or other immediate Conveniencies, to value the same. and put the Party, who desires to build a Mill, in Possession thereof, which way of Possession shall create a Fee Simple in the Acre.

c. 41.

Provided,

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Provided, THE Party so being put into Possession, forthwith pay down the Money to the Owner, upon such Valuation.

Provided, ALSO that the said Party, within one Year do begin to build a Water Mill, and furnish the same within three Years; and thereafter keep up the same for the Use of the Customers, otherways, the said Land to revert.

Proviso, IF any Water Mill, belonging to a Person under the Age of twenty one Years, *feme Covert*, *Non compos mentis*, or imprisoned, be let fall, burnt, or destroyed, such Person and their Heirs, shall have three Years to rebuild and repair such Mill, after such Disability removed or Death.

WHEN there shall be a Publick Mill standing on any Run, there shall not be another Mill, or Dam, built on the same Run below such Mill within a Mile, nor above such Mill, without the particular Leave of the General Court, or County-Court.

Proviso, THIS Act not to prohibit the carrying on any Mill now begun, but that the same may be finished, in the same manner as it might have been before this Act.

Proviso, WHERE any Owner of a Mill, now built, or to be built, shall conceive himself injured, by Building another Mill on the same Run, he may have his Action on the Case against the Owners of such latter built Mill, in the same manner, as he might have had before the making of this Act.

MILLERS shall grind according to turn, and shall sufficiently grind the Grain, and take no more Toll than one eighth Part of Wheat, and one sixth Part of *Indian* Corn, on Penalty of fifteen Shillings to the Party injured, for Default of any of the Premises with Costs.

Proviso, THE Owner not held to turn for his own Grain.

ALL Millers shall keep in their Mills *English* sealed Measures, or sealed by the County-Court (*viz.*) Bushel, half Bushel, Peck, and shall strike the Measures, and Use no Toll Dish, but what shall be Sealed by the County-Court, (who are at the County Charge to provide an Iron Brand for those Uses) on Penalty of fifteen Shillings to the Informer, with Costs; and if the Owner by himself, or
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Servant keep the Mill, he to pay the Fine, and if the Miller be a Servant, or Slave, his Owner shall be answerable for his Default, and if such Owner lives out of the County, and have no known Attorney therein for that Use, the Appearance of the Miller shall be sufficient for the Justice to proceed against the Master, and if the Owner shall live in the County or have a known Attorney therein, then his Appearance shall be required.

Proviso, WHERE a Mill is kept by a Slave, or imported Servant, that shall refuse to grind according to turn, or grind sufficiently, or exact upon the Toll, such Servant or Slave for such first Offence, shall have thirty Lashes, and for the second forty, in Lieu of the Forfeiture, and for every Offence afterwards, the Master to pay as aforesaid.

An Act for confirming Titles to Town-Lands.

WHERE any County-Court hath bought and paid for Land for a Town, pursuant to the Act for Ports, *Anno* 1691. or any other Act of Assembly, and made Feoffees, their Proceedings therein are confirmed.

c. 44.

IF in any County the Feoffees are dead, or departed out of this Country, the County-Court is required to appoint other Feoffees, who are thereupon impowered and required, to convey any Lot or Lots of Land according to the said Act for Ports, and the Conditions therein specified, as if it had never been suspended.

IF any Person hath purchased, paid for, or built upon any Lot of Land, according to the Conditions in the said Law, such Lot is hereby confirmed in Fee, to such Person and his Heirs.

An Act for Naturalization.

ALIENS coming here to reside, and taking the Oaths *De fideli* appointed by the Statutes of *England*, and subscribing the Test, to be naturalized by the Government, by an Instrument under the Colony Seal, and to enjoy all Privilege in this Colony as his Majesty's natural born Subject.

c. 45.

GOVERNOUR's Fee forty Shillings, his Clerk ten Shillings.

ALL Persons holding Land under any Aliens Title, are confirmed in their Title.

Proviso,

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Proviso, No Foreigner shall hereby be enabled, or privileged to do any thing, which by any Act in *England* concerning His Majesty's Plantations, he is disabled to do, or execute.

An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogsheads.

c. 46.

TENDING of Seconds forbid, Penalty 500 l. of Tobacco per every Titheable, that shall be employed that Year, upon the Plantation, against him who tends, or causes, or suffers any to be tended.

Proviso, WHEN a Plantation shall be under an Overseer, the Overseer only to pay the Fine, and not the Master.

HOGSHEADS of Tobacco to be fairly packed, and equally good throughout as it appears at the Head, Penalty 1000 l. of Tobacco for every Hogshead that shall be offered to be paid away, or put to Sale otherwise packed.

WHEN any Suit shall be brought for false Packing, the Court shall immediately appoint two or three skilful Planters to view the Hogshead, and report upon Oath to the Court how they find it, and whether in their Opinion it be fairly packed, without mingling therewith Dirt, Sand, or Tobacco Stalks, Stems, Seconds, Ground-leaves, or other Trash whatsoever, &c. and their Report therein shall be admitted as good Evidence at the Trial.

Proviso, FIVE Pounds shall be allowed and no more, in one Hogshead for Sand, Dirt, and mean Tobacco, (*viz.*) such Tobacco as is not passable by itself, without better joined with it.

IF a Creditor shall not demand his Tobacco Debt by the last Day of *January*, the Debtor in any Time in *February* may apply to two Justices, to make a tender of his Debt, according to Specialty, which two Justices are required without delay to appoint three honest and able Men of the Neighbourhood on their Oaths to view the Tobacco, and if they find it merchantable, and fairly packed, they shall weigh and mark the same for the Creditor, on whose Account and Hazard it shall thereafter lie; and upon producing Certificate from the said Justices of the said Tender to the next County-Court, the Court is empowered to discharge the said Debtor from the said Debt, provided

provided the said Tender was made in place according to specialty, and provided the said Debtor still endeavour to secure and preserve the said Tobacco, as before the Tender, and as it were still his own.

THE Debtor to bear the Charge of the Tender, and the Viewers to have 20 *l.* of Tobacco *per* Day.

EVERY Tobacco Hogshead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewn three Months at least, before the setting up, shall be set up in strong and substantial Hoops, and Stave shall be in Length forty eight Inches, and no more, and at least one third of an Inch thick on the thinnest Edge, and the Head thirty Inches in Diameter, and no more.

EVERY Cooper, and other Person intending to set up Tobacco Hogsheads, is to swear before a Justice of the County, that he will not willingly or wittingly set up any Tobacco Hogshead of a larger Size than is herein directed; and also to tare, or cause to be tared with a marking Iron, or branding Iron, every Tobacco Hogshead, that by him shall be set up, with the true Weight thereof on the Bulge and Head of the Hogshead, together with the first Letter of his proper Name and Surname, and shall take a Certificate from the said Justice of such Oath so made; and if any shall employ a Servant in making Tobacco Hogsheads, such Employer shall make Oath, that he will not willingly or wittingly suffer or permit any Tobacco Hogsheads to be set up for them of a larger Size than is herein directed, but shall use his utmost Endeavour to prevent the same; and also that what Hogsheads shall be set up by such Servants shall be tared, and the two first Letters of his or her proper Name and Surname set thereon in manner aforesaid, and shall also take a Certificate from the said Justice of such Oath so made. Penalty in any of the Premises 500 Pounds of Tobacco for every Hogshead made and paid away, put to Sale or shipped, half of all the said Fines to the King, and half to the Informer, with Costs by Action of Debt, Bill, &c.

Proviso, EVERY Justice before whom Complaint of this Act shall be made, may allow for the Increase of Weight in the Cask by the sweating of the Tobacco.

THE Buyer shall take the Cask at the Tare thereon set and allow 30 *l.* of Tobacco for each Hogshead, notwithstanding

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standing any Bill, Bond, or Contract, expressing the same to be paid for with Cask, on Penalty of 150*l.* of Tobacco to the Informer with Costs.

Proviso, THIS Act shall not extend to Contracts, Grants, Rents, or Reservations of Cask with the Tobacco upon Leases for Land, but that the Cask shall and may be paid or sued for, according to such Conditions or Reservations.

Provided, THAT no Man be under any Obligation whatsoever to tare his own Cask which he makes or ships, if of lawful Size and not exposed to sale here.

Proviso, FOR publick Tobacco received there shall be allowed eight *per Cent.* instead of the thirty *per hundred* according to old Custom.

An Act to prevent Ships sailing in contempt of Embargoes.

C. 47.

MASTERS at their Entry to give Bond according to the Burthen of their Ships, *viz.* 100 *l.* Sterling, for less than 100 Tun, 200 *l.* Sterling from 100 to 200 Tun, and 500 *l.* Sterling for all upwards, on Condition to observe the Rules of Embargoes.

THE Collector or Naval Officer upon Receipt of the Embargo, to give Notice to all Masters in their Precincts, or no Forfeiture to incur.

An Act concerning Marriages.

C. 48.

MINISTERS shall not marry People without License, or thrice Publication of Banns, according to the Rubrick.

PENALTY, Imprisonment for a Year without Bail, and five hundred Pounds current Money.

IF any Minister shall go out of this Colony, and there marry any Persons belonging to this Colony without such License or Publication, he shall incur the same Penalties and Forfeitures.

IF any Minister, Clerk or Reader, shall grant a false Certificate of the Publication of Banns, he shall incur the same Penalties and Forfeitures, and moreover be liable for further Punishment as in case of Forgery.

ALL Courts of Record here may hold cognizance hereof, and award Execution.

ALL Licenses of Marriage shall be issued by the Clerk of the Court of the County, where the *Feme* shall have her

her usual Residence, and by him, only in this Manner;
viz.

He shall take Bond to the King, &c. with good Surety in the Penalty of fifty Pounds current Money, under Condition that there is no lawful Cause to obstruct the Marriage which shall be desired. Penalty 50*l.* current Money.

AND if either of the Persons shall be under twenty one Years of Age, and not theretofore married, the consent of the Parent or Guardian of such Person under Age, shall be personally given before the said Clerks, or signified under the Hand and Seal of the said Parent or Guardian, and attested by two Witnesses, all which being done, the Clerk shall write the License, and certify specially the said Bond; and if the Persons in the License or either of them be under twenty one Years of Age as aforesaid, he shall also certify the consent of the Parent or Guardian of such so under Age, and the manner thereof to the first Justice in commission of the Peace for that County, or such other Person as shall be thereto commissioned by the Governor, which Premises being performed, the said Justice or other Person commissioned as aforesaid is to sign and direct the License, and no other License shall be lawful.

COUNTY-Court Clerk in other Manner issuing License or Certificate, and Persons signing or directing a License in any other Manner, or without such Certificate from the County-clerks, shall be imprisoned a Year without Bail, and pay 500*l.* current Money.

IF any Maiden of the Age of twelve Years or upwards, and under sixteen Years, shall contrary to her Parent or Guardian's Will, and without Publication of Banns as aforesaid, consent and agree in her Marriage with any Person whatsoever, that then the next of Kin to such Maiden to whom the Inheritance should descend or come, shall enter upon and take Possession of all the Lands, Tenements, Hereditaments, and other real Estate whatsoever, which the said Maiden at the Time of her Marriage had in Possession, Reversion, or Remainder, and shall hold the same during the Coverture, and after the Determination thereof, the said real Estate shall then vest again in the Woman so married as aforesaid, and her Heirs, or such Person as should have enjoyed the same if this Act had never been made,

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made, other than the Person she so married ; with Power of Re-entry and Possession.

IF any Minister or Reader shall wittingly publish the Banns for any Servant, or if any Minister shall wittingly celebrate the Rites of Matrimony to any Servant without a Certificate from the Master or Mistress of such Servant that it is done by their consent, he shall pay 10.000*l.* of Tobacco, and every Servant so married without the consent of Master or Mistress, shall serve them for the same a Year after the other Time of Service ended ; and every Person so marrying with a Servant, shall forfeit to the Master or Mistress 1000*l.* of Tobacco, or serve them a Year for the same.

THE County-clerk in *October* annually to send the Governour an Account of the Licenses issued by him, and deliver the Sheriff or County-collector an Account of the Government's Dues for the same to be by him collected. Penalty on the Clerk 1000*l.* of Tobacco.

Fees for Marriage Licenses.

	s.	l.	
To the Government	20	or 200	of Tobacco.
To the Clerk of the County- court. }	5	or 50	
To the Minister if by License	20	or 200	
If by Banns	5	or 50	
For publishing the Banns and Certificate. }	1 s. 6 d.	or 15	

IF these Fees be not paid in ready Money, they shall be paid at the time of Year in Tobacco of the Growth of the Parish where the *Feme* shall live, and on Refusal of payment be leviable by distress as *per* Clerks Fees.

IF the Bridegroom live out of the County where the License shall be granted, or if the Clerk shall have Ground to suspect his Removal before the Time of Payment of the aforesaid Dues, or is insolvent, he shall in such case take Bond with Security to pay all Fees accruing thereby, by virtue whereof the said Fees upon Refusal of Payment, shall be levied on the Security by distress as aforesaid.

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IF any Minister shall refuse marrying for the Fees herein, or shall exact greater Fees, he shall forfeit 400*l.* of Tobacco if by License, and 500*l.* if by Banns.

HALF of all Fines herein not before appropriated to be to the King, and Half to the Informer with Costs, by Action of Debt, Bill, &c.

MINISTER or Reader refusing to publish and certify the Banns for the Fees, or exacting greater Fees for the same, shall forfeit 1000*l.* of Tobacco to the Party grieved with Costs.

Proviso, THE Minister of the Parish shall have the Benefit of the Marriages and Funeral Sermons in his Parish, if he do not neglect or refuse to do the Service thereof, although another Minister be employed.

An Act concerning Servants and Slaves.

ALL *Christian* Servants of *Christian* Parentage nineteen Years of Age, brought into this Country, without Indenture, to serve five Years; but if under nineteen, then until they shall be twenty four Years of Age.

c.49.

Proviso, If such Servant be not carried to the County-court to be adjudged of his Age within six Months after his Arrival, he shall then serve but the five Years, and the Age thus made by the Court, shall be taken for the Age of the Servant, and his Service be accordingly.

WHEN any Servant sold for the Custom shall pretend to have Indentures, the Owner shall bring him before a Justice, and if the Servant cannot produce the Indenture, but shall pretend to have one, the Justice shall assign two Months for the producing thereof, and if the Servant fail then, it shall then be taken for granted there never was one, and shall barr the Claim of one afterwards.

ALL Persons brought into this Country by Sea or Land, not being *Christians* in their native Country (except *Turks* and *Moors* in Amity with her Majesty, and all *Negro's* and others that can make due Proof of their being free in *England*, or any other *Christian* Country before they were ship'd in order to their Transportation hither,) shall be Slaves, notwithstanding a Conversion to *Christianity* afterwards.

IF any Person shall import, or sell as Slaves any Person that shall have been a Freeman in any *Christian* Country, Island, or Plantation, such Importer or Seller shall forfeit to

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the Party from whom such a Freeman shall recover his Freedom, double the Sum for which the said Freeman was sold, to be recover'd according to the course of common Law, and no Act or Statute of Limitation to barr the Action.

Proviso, A Slave's being in *England* shall not be sufficient to discharge him of Slavery, without Proof of being manumitted there.

OWNERS of Servants shall provide them, by the Discretion of the County-court, shall not give immoderate Correction, nor whip a *Christian* white Servant naked without Order from a Justice; and if any shall so whip a Servant without such Order, he shall forfeit to the Party injured forty Shillings *Sterling* with Costs, without the formal Process of an Action, as is provided for Servant's Complaints.

Proviso, COMPLAINTS be made within six Months.

ALL Sorts of Servants but Slaves, shall have their Complaints before a Justice, who if he find Cause shall bind the Master over to Court, and it shall be there determined; and all Complaints of Servants may be received at any Time by Petition in the Court of the County wherein they reside without Action, and that Court having summoned the Master, shall adjudge concerning Diet, Lodging, Cloathing and Correction; and if any Master shall not comply with their Order, they are impowered upon a second complaint to cause such Servant to be sold by Out-cry by the Sheriff, and after Charges deducted, return the Remainder of the Produce to the Owner.

Proviso, If such Servant by reason of Sickness, Lameness, or otherwise, cannot be sold for enough to pay the Charges, the Court shall order the Church Wardens of the Parish to provide for the Servant until the Time of Freedom, or until such a Recovery of Health, as to be sold for the Charges, and shall levy the Charges thereof by Distress, upon the Goods of the Master or Owner.

ALL Servants by Importation, Indenture, or Hire, as well *Feme covert*, as others, shall have their Petition in Court in the same Manner for their Wages or Freedom without Action.

No Negro, *Mulatto* or *Indian*, although *Christian*, nor *Moors*, *Jews*, *Mahometans*, or other *Infidels*, shall Purchase a *Christian* white Servant, nor any other, except of their

their own Complexion for Slaves, and if any shall be so purchased, *Ipso Facto*, they become free.

IF any Person having such *Christian* white Servant shall intermarry with a *Negro, Mulatto, or Indian, Jew, Moor, Mahometan, or other Infidel*, every such Servant shall, *Ipso Facto*, become free.

No Master shall make a Bargain with his Servant, without the Approbation of the County-court.

IF any Servant shall bring in Goods or Money, or obtain any afterwards, they shall obtain the Property and sole Use thereof to themselves.

AND if any Servant shall fall sick or lame, or shall thereby become useless, the Owners shall not put away such Servant, but shall maintain him or her during his whole Time of Service due by Indenture, Custom, or Order of Court.

AND if any Owner shall put away such Servant on pretence of the same, and the Servant thereby become chargeable to the Parish, the said Owner shall pay ten Pounds current Money to the Church Wardens for the use of the Parish, to be recovered by Action of Debt in any Court.

MALE-Servants not having yearly Wages, to have at Freedom ten Bushels of *Indian* Corn, thirty Shillings in Money, or the value in Goods, and a Musket or Fuzee of twenty Shillings value; and a Female-Servant fifteen Bushels of *Indian* Corn, and forty Shillings in Money, or the value thereof in Goods.

SERVANTS shall obey Commands, and if any shall resist their Master, Mistress, or Overseer, or offer Violence to any of them, they shall serve a Year for the same.

PERSONS dealing with any Servant or Slave without the Leave of the Master or Owner, shall be imprisoned a Calendar Month without Bail, and afterwards continue so until they give Bond with good Security of 10*l.* current Money for good Behaviour a Year following, wherein a second Offence shall be a Breach of the Bond, and shall pay four Times the value so bought to the Master or Owner, to be recovered *per Action* upon the Case with Costs.

Proviso, WHEN any Person Convict *per* this Act for dealing with a Servant or Slave, shall not immediately give Bond and Security for the good Behaviour as afore-

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said, then the Court shall order thirty nine Lashes at the common Whipping Post instead thereof.

IN all Cases of penal Laws, where Persons free are punishable by Fine, Servants shall be punished by Whipping, after the Rate of twenty Lashes for every 500*l.* of Tobacco, or fifty Shillings; unless such Servants procure some Person to pay the Fine, and then the Servant shall serve such Benefactor after his other Service ended, after the Rate of one Month and a half for every 100*l.* of Tobacco.

A WOMAN Servant being deliver'd of a Bastard Child, within the Time of her Service, shall serve her Master or Owner a Year for every such Offence, and the reputed Father if Free shall give Security to the Church Wardens to maintain the Child, and save the Parish indemnified, or be compelled thereto by the County-court upon their complaint; but if a Servant, he shall make Satisfaction to the Parish by Service after other Service ended, or be compelled thereto by the County-court upon the Church Warden's Complaint.

AND if a Master shall get his Maid with Child, he shall have no Service thereby, but when the Time of her other Service shall be ended, she shall be sold by the Church Wardens for the Time being for one Year, or pay one thousand Pounds of Tobacco to the Use of the Parish.

AND if any Christian white Woman Servant shall have a Bastard by a *Negro* or *Mulatto*, besides the Year's Service to her Master, she shall at the Expiration of her Time pay to the Church Wardens for the use of the Parish fifteen Pounds current Money, or be sold for five Years.

IF a free white Woman being a *Christian* shall have a Bastard-child by a *Negro* or *Mulatto*, for every such Offence, she shall within one Month after her Delivery pay to the Church Wardens fifteen Pounds current Money of *Virginia*, or be by them sold for five Years to the Use of the Parish.

IN both the said cases the Church Wardens shall bind out the said Child, until it shall be thirty one Years of Age.

IF a white Person being free shall intermarry with a *Negro* or *Mulatto*, bound or free, such white Person shall be committed to Prison for six Months without Bail, and shall

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shall forfeit ten Pounds current Money for the Use of the Parish as aforesaid.

No Minister or other Persons shall wittingly marry a Negro or *Mulatto* and white together. Penalty 1000*l.* of Tobacco, half to the King, and half to the Informer with Costs, by Action of Debt, Bill, &c.

SERVANTS made free, shall have their Freedom recorded in the County-Court, and the Clerk's Certificate thereof shall be sufficient to exempt any Body from Danger by this Law, for dealing with Servants.

AND if such Certificate shall happen to be lost, the said Clerk shall grant a new one, and therein recite the Accident that happen'd to the old one, and whosoever shall hire such Servant, shall take his or her Certificate and keep it, till the contracted Time shall be expired.

WHOSO shall entertain any Servant by Indenture or Contract here, not having such Certificate, shall pay 60*l.* of Tobacco *per* Day to the Maker with Costs, by Action of Debt.

IF a Runaway shall make Use of a forged Certificate, or after the same shall be delivered upon being hired, shall steal the same away, and thereby procure Entertainment, the Person entertaining upon such stolen or forged Certificate shall not be culpable by this Law, but the said Runaway, besides making Reparation for the Loss of Time, Charges in Recovery, and other Penalties by this Law, shall for such Theft stand two Hours in the Pillory on a Court Day, and the Person forging such Certificate shall pay ten Pounds current Money, half to the King, and half to the Owner or the Master if he will inform, else to the Informer with Costs, by Action of Debt, Bill, Complaint, or Information.

AND if any Person convict of forging such Certificate shall not immediately pay the ten Pounds, with Costs, or give Security to do the same within six Months, he shall receive thirty nine Lashes at the common Whipping post in lieu thereof.

Proviso, WHEN any Master or Mistress shall hire a Runaway upon a forged Certificate, and the Servant denying it, the *Onus probandi* shall lie upon the Person hiring, or to be liable as if no Certificate was.

FOR the taking up of a Runaway Servant or Slave, if above ten Miles from the House or Quarter, there shall be allowed *per* the Publick 200 *l.* of Tobacco, and if above

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five Miles and under ten, 100*l.* of Tobacco, which shall be paid in the County where such Taker up shall reside, and shall be again levved by the Publick upon the Owner of such Servant or Slave.

EVERY Justice before whom such Runaway shall be brought upon the taking up, shall mention the proper Name and Sirname of the Taker up, and County of Residence, with the Time and Place of taking up the Runaway, the Name of the Runaway, and proper Name and Sirname of the Owner, and County of his Residence, together with the Distance of Miles in the said Justice's Judgment, from the Place of taking up to the House or Quarter where such Runaway was kept.

Proviso, WHEN any Runaway cannot or will not declare his Master's Name, the Justice shall certify the same, and shall order such Runaway to be convey'd to the publick Goal of the County, there to be committed Prisoner till the Owner shall be known, who upon paying the Charges, or giving Caution to the Prison-Keeper for the same, with the Reward of two hundred Pounds of Tobacco, or one hundred Pounds of Tobacco as the Case shall be, shall have the said Runaway restored; and further, the Justice when such Runaway shall be brought before him, shall commit him to the next Constable, and in the Warrant order him to give the Runaway any Number of Lashes not exceeding thirty nine, and then to be carried from Constable to Constable until he shall be carried home, or to the County Goal as aforesaid.

EVERY Constable, thro' whose Hands he passes, giving a Receipt at the Deliery, and every Constable failing to execute such Warrant according to the Tenour thereof, or refusing to give such Receipt, shall forfeit 200*l.* of Tobacco to the Church Wardens of the Parish wherein such Failure shall be, for the Use of the Poor, with Costs, by Action of Debt, and such Corporal Punishment shall not deprive the Master of the other Satisfaction.

Proviso, WHEN any Servant or Slave shall have cross'd the great Bay of *Chesapeake*, and be brought before a Justice, the said Justice instead of committing him to the Constable, shall commit him to the Sheriff, who is to cause him to be transported again cross the Bay, and deliver'd to a Constable there, and for all his Trouble and Charge, shall have 500*l.* of Tobacco paid by the Publick, which shall

shall be re-imburs'd again by the Master or Owner in manner aforesaid.

Provided also, WHEN any Runaway shall have cross'd the said Bay, and got up into the Country, into any County remote from the Bay, he shall be conveyed by Constables until he shall be brought to a Sheriff of some County adjoining to the said Bay, which Sheriff is also hereby required upon such Warrant to receive the Runaway, and pursue the Rules, and cause him to be conveyed as aforesaid, and have the like Reward.

AND if any Sheriff, Under-Sheriff, or other Officer belonging to the Sheriff, shall cause, or suffer any such Runaway to work, such Sheriff shall forfeit to the Owner of the Runaway 1000 Pounds of Tobacco, with Costs by Action of Debt, Bill, &c.

IF any Sheriff or Constable shall suffer a Runaway to escape after Commitment, he shall be liable to Action at the Common Law by the Party grieved, for Recovery of his Damages, with Costs.

EVERY Runaway shall serve his Master one Month and a half for every 100 Pounds of Tobacco, paid as a Reward as aforesaid; and moreover shall serve double the Time of Absence, and make Reparation for all necessary Disbursements in the Pursuit, after the same Rate.

Proviso, THE Owner shall carry such Runaway to Court at the next County-Court after the Recovery, otherwise the Court may consider the Occasion of the Delay, and hear or refuse the Claim as they shall think fit, without Appeal for such Refusal.

No Master, Mistress, or Overseer, shall knowingly permit the Slave of any other Person, to remain upon his, or her Plantation, above four Hours at one time, without the Leave of the Owner, or Overseer, on Penalty of 150 Pounds of Tobacco to the Informer.

Proviso, IF any Runaway adjudged to serve, for the Charges of Pursuit and Recovery, shall at the time of being adjudged repay, or give good Security before the Court for Repayment of the same, within six Months after, such Owner shall be obliged to accept thereof, in lieu of his Service.

IF any Slave shall resist his Owner, or other Person by his or her Order correcting such Slave, and shall happen

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to be kill'd in such Correction, it shall not be accounted Felony, neither shall any other Trouble ensue.

IF any *Negroe, Mulatto, or Indian* bound or free, shall lift his or her Hand in Opposition against any Christian, not being *Negroe, Mulatto, or Indian*, and the Fact proved by the other Party, any Justice of the County shall order thirty Lashes for the same.

No Slave shall go armed with Gun, Sword, or Club, Staff, or other Weapon, nor go off his Master's Land, without Leave in Writing from his Master, Mistress, or Overseer; and if any Slave offends herein, any Person may apprehend and deliver such Slave to the Constable or Headborough, who is hereby required, without further Warrant, to give him twenty Lashes, and send him or her home.

ALL Horses, Cattle, and Hogs of any Slave's Mark, shall be seized and sold by the Church-wardens of the Parish, for the use of the Poor.

OWNERS of Slaves, where there is no Christian Overseer, shall be liable for the Trespass and Damage done by such Slave.

BAPTISM of Slaves doth not exempt them from Bondage.

CHILDREN are bond or free, according to the Condition of their Mothers, and the particular Directions of this Act.

WHEN any Slave shall lie out in the Woods, and will not be taken, any two Justices (*Quorum unus*) of that County where they lie or do Mischief, are required to issue Proclamation against them, reciting their Names, and Owner's Names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves, and also forthwith empowering the Sheriff of the County to take such Power with him, as he shall think fit and necessary for the effectual apprehending such outlying Slaves, and go in search of them, which Proclamation shall be published on a *Sabbath* Day, at the Door of every Church and Chapel in the County, by the Parish Clerk or Reader of the Church, immediately after Divine Worship; and in Case any Slave, against whom Proclamation hath been thus issued, and once published at any Church or Chapel, stay out, and do not immediately return home, it shall be lawful for any Person whatsoever to kill him, without Impeachment of any Crime for the same.

AND

AND if any such out-lying Slave shall be apprehended, it shall be lawful for the County-Court, upon Application of the Owner, to order such Punishment, by dismembering, or otherwise, as they shall think fit, not touching Life.

Proviso, EVERY Slave killed, in Pursuance of this Act, or put to Death by Law, shall be paid for by the Publick.

AND to the End the true Value may be known, and the Assembly better enabled to make a suitable Allowance, the Court of Claims, upon Application of the Owner, shall value the Slave in Money, and the Clerk shall return Certificate thereof, with the rest of the publick Claims.

THE Church-wardens of every Parish, at the Charge of the Parish, to provide Copies of this Act, and cause Entry thereof in their Entry-book, and the Parish Clerk or Reader on the first Sermon *Sundays* in *September* and *March*, annually after Sermon or Divine Service ended, shall publish the same in every Church and Chapel in their Parish, and every Sheriff at the next Court to be held after the last Day of *February* annually, shall also publish it at the Door of the Court-house.

THE Sheriff for Default shall pay 600 Pounds of Tobacco, half to the King, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information, &c.

THE Clerk or Reader for his Default 600 Pounds of Tobacco, half to the Informer, half to the Poor of the Parish, with Costs by Debt, Bill, &c.

An Act to prevent killing of Deer at unreasonable Times.

DEAR-killing in unfenced Ground prohibited, between the first of *January* and the last of *August*, or the buying or receiving Venison killed by an *Indian*, or other Person within those Times, on Penalty of 500 Pounds of Tobacco per Deer.

c. 50.

AND if a Servant or Slave be guilty, by Command of the Master, Mistress, or the Overseer, the Master, Mistress, or Overseer shall forfeit 500 Pounds of Tobacco, for each Deer.

OR if any Servant or Slave of his own Head shall kill or buy any Deer contrary to this Act, and be convicted before a Justice by the Oath of one credible Witness, such Servant or Slave shall be adjudged to have thirty Lashes, unless some sufficient Person become Security to pay the
Fine

c. 705.

Fine within six Months to the Church-wardens of the Parish.

THESE Fines to go half to the Church-wardens for the Use of the Parish, and half to the Informer, with Costs by Action of Debt, Bill, Plaint, or Information.

An Act for Prevention of Misunderstanding between the tributary Indians, and other his Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all Indians whatsoever.

c. 52.

No Indian King, or any other tributary Indian whatsoever, upon any Pretence, and for any Consideration, is to sell to any Person or Persons, other than to some of their own Nation, or Posterity, in Fee, for Life, or for Years, the Land laid out and appropriated for the Use of the said Indians, or any Part or Parcel thereof:

Nor any other Land whatsoever, which the Indians pretend to claim by Virtue of the Articles of Peace made and concluded with them the 29th Day of May 1677, or by any other Act or Title whatsoever.

THAT all Bargains and Sales, &c. that shall hereafter be made with any of them, shall be void, and that if any presume to purchase or obtain any Deed or Lease, &c. and shall occupy and tend any of the said Lands or Plantations of the said tributary Indians, or by Permission of them after the Publication of this Act (other than their own Nation or Posterity) shall forfeit and pay ten Shillings current Money for every Acre or Land so purchased, leased, or occupied, and for every Year's Possession they hold after contrary to this Act, shall pay ten Shillings per Acre, half to the King, and half to the Informer, to be recovered by Action of Debt, Bill, Plaint, &c.

Provided. THE General Court may receive and examine the several Claims of *George Shilling* to three hundred Acres, *Michael Wardrop* to ninety Acres, and of the Heir of *George Southerland* deceased, to two hundred Acres, all which are said to be on the Land laid out for the *Pammunkey* Indians, if they make appear to have an equitable Right, the Governour or Commander in chief, with the Advice of the Council, may grant Patents to them, but not to grant any more Land than the Quantity of Acres exprest, although there be more in their Bounds.

ALL

ALL these People that have seated opposite to an *Indian* Town on the other Side of a Navigable River, notwithstanding it is within three Miles of an *Indian* Town, and contrary to a Claim in the Articles of Peace, is hereby confirmed to be lawful, and they are not to be disturbed.

THE tributary *Indians* shall be well secured and defended in their Persons, Goods, and Properties, and whosoever shall defraud and take from any tributary *Indian* their Goods, or do any Injury to their Persons, shall make Satisfaction, and be punished for the same according to Law; as if the *Indian* Sufferer was an *English* Man.

THE *Indian* shall likewise enjoy their wonted Conveniency of Oystering and Fishing, and of gathering on the Lands belonging to the *English* Tuckahoe, Cuttenemotis, Wild Oats, Rushes, Puccoon, or other Things not useful to the *English*, upon a Licence first had from a Justice of the Peace of the County where they come for these Purposes; and if any *Englishman* take from any of the said *Indians* any Goods, or kill, wound, or maim any of them, whilst they tarry, come, or return, they shall be punished as if it had been done to an *Englishman*.

Provided, THE *Indians* are not to bring with them any Guns, Ammunition, or offensive Weapons, but Tools only for their Use, neither are they to enjoy the above Privilege of Fishing, &c. without a Licence first had from a Justice of the Peace, and in it how long the *Indians* Stay shall be, and it shall not be lawful for the *Indians* to tarry longer than the Licence exprestes.

ALL *Indian* Kings and Queens that are tributary, having the least Notice of any March of strange *Indians* near our Plantations, or *English* Quarters, are to send one of their great Men to the next Militia Officer, to acquaint what they know of their Nation, Number, and Design, and how they bend their Course.

AND if the tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of Militia in those Parts shall forthwith send out a convenient Party to join with them for their Defence, &c. on that Occasion.

AND all tributary *Indians*, under the Protection of the Government, when thereunto commanded, shall go with the *Englishmen* in pursuit of the strange *Indians*, and shall continue with the *English* in pursuit as Occasion requires.

1705.

THAT there be a free and open Trade with all *Indians* whatsoever, for all Persons, and at all Places.

Proviso, No Person shall sell, or offer to Sale any Rum or Brandy in any tributary *Indian Town*, or Land belonging to any such Town, to any *Indian*, upon Forfeit of ten Shillings Current Money for every Quart of Rum or Brandy sold, and *pro rato* for a greater or lesser Quantity, one Moiety to his Majesty, and the other to the Informer.

Provided, NEVERTHELESS that if any Person or Persons shall hereafter at their own Charge, make Discovery of any Town or Nation of *Indians*, inhabiting to the Westward of or between the appellation Mountains, the Governour with consent of the Council, may grant by Charter to such Persons so discovering, their Heirs, &c. for the Space of fourteen Years then next coming, the sole Liberty and Right of Trading with such *Indians* so found out, and shall restrain all other Persons from the said Trade under Penalties and Forfeitures, as shall be thought convenient, which shall be good and valid.

GOVERNOUR with consent of Council, may incorporate the Discoverers, and others they shall take in, with Liberties and Privileges exclusive of all others.

An Act to explain Part of an Act of this present Session of Assembly, intituled, An Act directing the levying Executions, and for Relief of poor Prisoners for Debt.

c. 51.

WHEN any Goods or Chattels, shall be seized and taken in Execution either by Writ of *fieri facias*, or *levari facias*, the Party from whom the same shall be taken, shall have the Liberty of three natural Days, (*Sunday* exclusive) from and after the time of such Seizure to make Payment of what shall be due, and if in that time he shall offer to pay the Officer in whose Custody the Goods shall be, the Sum commanded to be delivered by the said Execution with Costs, either in Money or such other Specie as shall be due, then the Officer is required to accept of such Payment and thereupon discharge the Goods.

An Act for Regulation and Settlement of Ferries,
and for Dispatch of publick Expresses.

1705.

Ferries on James River.

c. 53.

	d.	q.		d.	q.
Varina For a Man	3	: 3	Man & Horse	7	: 2
Bermuda Hundred	6	: 0		12	: 0
West-over	7	: 2		15	: 0
Byrd's-store at Appamatrix	3	: 3		7	: 2
Cogan's Point and Maycox	7	: 2		15	: 0
Dowbasin Town to Swynyards	7	: 2		15	: 0
Sycamore by Wind-mill Point, to Widow Jones's Wyanoke	7	: 2		1	
Hog Island, and Archer's Hope	15	: 0		30	: 0
Chipeak's Creek, to the Row or Martin Brandon	6	: 0		12	: 0
Swan's Point, and James Town	7	: 2		15	: 0
Croaches Creek, and James City	12	: 0		24	: 0
Princess Ann Port, and Hog Island	30	: 0		48	: 0
Mouth of Chickahomery	6	: 0		12	: 0
Goodales and Williams, or Drummond Neck.	3	: 3		7	: 2
Mouth of Nausamona	6	: 0		12	: 0
Hampton	3	: 0		6	: 0
Hampton and Seawell's Point	36	: 0		72	: 0
Norfolk Town	6	: 0		12	: 0

On York River.

	d.	q.		d.	q.
Peasly's and William's Pam- munky for a Man	6	: 0	Man & Horse	12	: 0
Brick-House and West-Point	12	: 0		18	: 0
			Brick-		

1705.

	d.	q.		d.	q.
Brick-House to Graves's for a Man.	12	: 0	Man & Horfe	22	: 2
Spencer's Pamunky	6	: 0		12	: 0
Cranshaw's	3	: 0		6	: 0
Abbott's Mattapony	6	: 0		12	: 0
West Point and Graves's	6	: 0		12	: 0
Burford's and Talbot's	6	: 0		12	: 0
Walker's Mill Landing	3	: 0		6	: 0
York and Tindal's Point	7	: 2		15	: 0
Capahosick and Mathew's, or Swining Creek.	15	: 0		30	: 0

On Pianketank.

	d.	q.		d.	q.
Bayley's for a Man	6	: 0	Man & Horfe	12	: 0
Durk's Ferry	3	: 0		6	: 0

On Rappahannock.

	d.	q.		d.	q.
Sheltons & Wrights for a Man	24	: 0	Man & Horfe	48	: 0
Brandon & Channing's Point	24	: 0		48	: 0
Daniel Henrys and William Pannells	6	: 0		12	: 6
Bowlers and Suckel's Point	15	: 0		30	: 0
Toppahannock Town and Weblyes, or Rappahan- nock Creek each side	15	: 0		30	: 0
Henry Longs	6	: 0		12	: 0

Patomack.

	d.	q.		d.	q.
Fitz Hughes for a Man	30	: 0	Man & Horfe	60	: 0
Northampton Port, and York, or Hampton	15 s.	: 0		30 s.	: 0

WHERE

WHERE Ferries are appointed on one Side of the River, and none on the other, the County-court have Power to appoint one on the opposite Side, and to appoint and license the Ferry-keeper, and direct what Boat or Boats and Hands shall be kept there, and for Neglect to turn out the Ferry-keeper, and put another in his Place.

Provided, THE Court do take Bond with one sufficient Surety in the Sum of twenty Pound Sterling for the due Performance, and also for giving speedy Passage to all Expresses, which shall be set over Ferry free, and for such Service the Men attending in the said Boats, shall be free from publick and county Levies, and from all other publick Services, as Musters, Clearing the Highways, being imprest, and shall have their License without Fee for the Bond, or any other thing relating thereto.

IF the Court shall think fit that there shall be an Ordinary at such Ferry, then he shall have License for the same without any Fee, except half the Fee allowed by the Law to the Governour, notwithstanding there may be otherwise a sufficient Number of Ordinaries in the County, and no Ordinary shall be kept within five Miles of the same, unless such Ordinary be in a Town, or at a County-court.

Provided, Such Ferry-keeper give Bond and Security, as others do, and liable to the same Penalties.

IF any shall set any Person over a River for Reward, where Ferries are appointed (except where it may be necessary to the Parishioners going to Church) such Person shall forfeit five Shillings, half to the next Ferry-man, the other to the Informer.

Provided, THAT any County-court may appoint a Ferry over any River, where they shall see convenient, and may agree with the Keeper of any Ferry appointed, or which shall be appointed, to set over the Militia of the County, on Musterdays, and raise the same in the County-levy.

Provided, No County shall raise any County-levy for a Ferry over any River or Creek, into any other County.

MESSAGES sent by the Secretary, any one of the Council, Sheriff of a County, Commander in chief, Colonel, Lieutenant Colonel, or Major in the Militia, to the Governour or Commander in chief of this Colony, or which shall be sent by the Governour or Commander in chief, or by the Clerk of the Council to any Person, or which shall

shall be sent by any chief Militia Officer of the next County, to give Intelligence of an Enemy; or any Letter come from beyond Seas, directed to the Governor, shall be accounted publick Messages and Expresses, and shall be Ferry free in case such Expresses be directed for His Majesty's Service, and signed upon the Superscription with the Name of him that sends it, His Majesty's Receiver General shall pay such Messengers four Pence *per* Mile, for himself and Horse, for going and returning, at the Seat of the Government, out of the Money arising from the two Shillings *per* Hoghead; and if the said Messenger shall be kept tending he shall be paid five Pence *per* Day.

Provided, THE Messenger have a Certificate of his Name and Distance of Miles from the Subscriber, and a Certificate of the Days Attendance from the Governour to the Clerk of the Council, Messages by Water shall be paid for at the Rate of fifteen Pence for the Boat, and two Shillings for each Man *per* Day. This Act shall continue seven Years, and from thence till the next Session of Assembly.

An Act for settling the Titles and Bounds of Land, and for preventing unlawful Shooting and Ranging thereupon.

October 25.
1710.
c. 13.

A FREEHOLD or greater Estate in Land, shall not be created or altered by Deed; unless in writing indented, sealed, and recorded in the General Court, or County-court where the Land lies in this Manner, *viz.*

IF the Grantor be resident within the Colony, the Recording shall be within eight Months after Sealing and Delivery, and if he be not, then the Recording shall be within two Years of Sealing, &c.

No Deed to be admitted to record, unless acknowledged in Court by the Persons making the same, or one of them, or Proof thereof by three Witnesses.

DEED by Husband and Wife, the Wife being privately examined and found voluntary, is good to convey the Estate of the *Feme*, but not of an Intail.

ESTATES Tail are not to be cut off by Fine, Recovery, or any other way but by Act of Assembly.

ALL deeds of Land heretofore acknowledged and recorded, tho' not within the six Months, Deeds registred in the council Books, or recorded, though not in the Court of
the

the County where the Lands lie, are declared good to the Parties in Possession thereby; as if they were recorded as the Law directed. Deeds not intended or sealed, and without Consideration exprest, Assignments endorsed on Patents are declared good to the Parties, in Possession thereby, as if they had been indented and sealed, and valuable Consideration particularly exprest, and as if the Assignments and Deeds had been executed in due Form of Law. Deeds heretofore proved in Court by two or more Witnesses, and Record made, are declared good to the Parties in possession thereby, as if the same had been acknowledged in due Form of Law: Deeds heretofore made without Livery and Seisin, though requisite where the Parties have enter'd, and the Possession is continued thereby, are declared good as if Livery and Seisin had been made.

Proviso, NOTHING herein shall confirm Lands to any but the Parties in Possession, and others claiming under them hereafter.

IN all Deeds hereafter to be acknowledged and recorded, requiring Livery and Seisin, the Livery and Seisin shall in like manner be acknowledged, or proved and recorded with the Deed.

ALL Writs of Formedon in Discendor, Remainder, or Revertor shall be taken within twenty Years next after the Title or Cause of Action accrued, and all Entries to be made within twenty Years of Right accrued, or to be barred of such Action and Entry.

Proviso, IF the Party claiming shall at the Time of such Rite or Title *first* accrued, be within Age of twenty one, *Feme Covert*, *non compos mentis*, imprisoned, or out of the County, the Right of such Writ, or Entry, shall continue to such Party and their Heirs, for ten Years next after such Parties coming of full Age, or sound Mind, Discoverture, Enlargement out of Prison, or coming into this Colony.

No Person shall sue any Writ or Right, or make any Prescription, Title, or Claim to the Possession of his Ancestor or Predecessor, unless such Person shall have been within thirty Years of the Test of the Writ, or next before such Prescription, Title, or Claim accrued; and no Person hereafter may have any Assize of Mort-ancestor, Couzenage, Ail, Writ of Entry, *sur Disseisin* done to any of his Ancestors or Predecessors, or any other Action possessory

1710.

seffory of any further Seizin or Possession, but only of the Seizin or Possession of his Ancestor or Predecessor, which was or shall be seized within thirty Years next before the Test of such Writ, and no Action to lie after the thirty Years Possession.

Proviso, THAT if the Party intituled shall at the Time of such Right and Title accrued, be under the Age of twenty one, *Feme covert*, *non compos mentis*, imprisoned, or out of the County, he shall have ten Years more after such Incapacity removed, notwithstanding the said thirty Years shall be expired.

Proviso, PERSONS now out of the Country, and not claiming by Possession within twenty Years, may bring suit within ten Years after the last of May 1711, and not after.

CONCERNING the Validity of Patents for Land formerly issued, which are not to be found recorded, or which have not been entred on Record, or for which no Rights have been obtained ;

Enacted, THAT all such Patents formerly granted by the Commander in chief for the time being, be as valid to the Persons in Possession claiming thereby, as if such Patents had been legally enter'd, upon the Records of the Secretary's Office, and as if Rights had been in legal manner obtained for the same, and duly entered.

UPON the passing of any Patent for Land hereafter, the Secretary is required to cause such Patent to be truly entred upon the Records of his Office, together with the Certificate of Rights, either by Importation or Money paid to the Receiver General, whereupon the Patent shall be obtained.

IF upon a new Survey of a Patent there shall appear to be a greater Quantity of Land within the Bounds than the Patent expresses, the Patentee may sue forth a new Patent expressing the full Quantity without being obliged to new Seating, notwithstanding a *Proviso* for new Seating in such Patent.

New Land added to old Land in former Patents, do not require new Seating, notwithstanding the *Proviso*.

Proviso, THE Patentee shall not have the like Liberty for the future.

IN Patents of Land hereafter obtained, if the Patentee fail to seat and plant thereon within three Years according

ing to the *Proviso*, or shall fail to pay the full Quitrents for the Quantity of Land, mentioned in the Patent for the space of three Years, he shall not only lose the Land, but his Rights also.

No Patent shall hereafter be granted for Land, as lost or forfeited for want of Seating or Planting, or not paying the Quitrents, until three Years shall be expired from the Date of the *first* Patent granted for the same, or unless there shall be three Years Quitrents in Arrear.

NEITHER shall any Patent be granted by Reason of such Forfeiture, until Judgment and Certificate from the General-court shall be procured in manner following, *viz.*


THE Person desiring such Grant, shall first petition the Governor, and therein set forth what County the Land lies in, to whom it was formerly granted, for what Cause it is become forfeited, and in what County the Grantee resides. The Petitioner shall at the same time file a Copy of his Petition in the Secretary's Office, whereupon the Clerk shall issue a Writ to the Sheriff of the County where the Grantee resides, to summon the Grantee to the next General-court, on a certain Day thereof, to shew Cause why such Land formerly granted to him, and by him forfeited for want of Seating and Planting, or for Non-payment of the Quitrents (as the Case shall be) may not be granted to the Party petitioning. Which Writ being served, if upon the return thereof the Grantee do not appear and make Proof that the Land hath been seated and planted, or the Quitrents paid (as the Case is) the General-court shall adjudge the said Land to be forfeited, and vested again in the Crown, and shall cause an Order or Judgment to be entred accordingly. And shall certify the same to the Governour, and also, that it doth appear to them, that the then Prosecutor was the first Petitioner, and hath pursued the same with Effect. Which Certificate shall entitle the Party obtaining the same to have a Patent for the said Land, in the same manner, and under the same Restrictions and Provisoes as Land not before patented.

AND if there shall happen to be a greater Quantity of Land than shall be granted to the first Petitioner, the Residue shall be granted to such other Person as shall petition for the same.

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Proviso, IF such Lands shall be seated by the Patentee, or those claiming under him, before the Petition exhibited, such seating shall be good, though not made within three Years of the Patent, and shall be sufficient to satisfy the *Proviso*.

Proviso, WHERE the Patentee dies within three Years, and the Land shall descend to an Infant, *Feme covert*, or Person out of the Country, the Land shall not be forfeited until three Years after the Death of the Patentee. And if the Guardian of such Infant, or Husband of the *Feme covert* shall suffer the said Land to lapse for want of Seating, or Payment of Quitrents, such Guardian, or Husband, and their Heirs, Executors, and Administrators shall answer the value of the Land to the Heir at Law, after coming of full Age or Discoveriture.

 *Note*, THIS *Proviso*, as to Infants, is alter'd by the 4th Act, Anno 1712.

FOR the future, no Person shall take up Swamps, Marshes, or sunken Grounds, lying contiguous to the Highland of another's Patent, until such Person so intending to take up the same, shall in the Presence of two Witnesses give Notice to the Proprietor and Possessor of such Patent Land, and a Year after such Notice, and then he may take up and patent the same. In which Patent shall be particularly exprest and set down, whether the Land therein granted are Swamps, Marshes, or sunken Grounds, and to whose Highlands they are adjoining. And all Patents obtain'd contrary to the Intent thereof, are declared void.

IF any Controversy concerning Notice shall arise within five Years after such Person shall be in actual Possession of such Swamps, Marshes, or low Grounds, the *Onus probandi* shall lie upon the Person who ought to have given the Notice.

AND if no Controversy arise within such Time, five Years Possession shall be taken for good Proof of such Notice

Proviso, No Liberty is hereby given to take up the Swamps, Marshes, and low Grounds, contiguous to the Highlands of *Feme covert*, Infants under Age, or Persons *Non compos mentis*, by virtue of such Notice to any Person whatsoever.

WHEREAS

WHEREAS by the Negligence or Ignorance of Surveyors in former Times, divers Persons have taken up and held greater Quantities of Land than are mentioned in their Patents or Deeds, and for which they pay no Quitrents; for ending Controversies therein,

Enacted, It shall not be lawful for any Person to enter, for any Parcel of Land held of the Crown, by reason of its being Surplus Land, until the Party intending to take up and patent the same, shall have given Notice to the Person holding such Land in like manner as is herein before directed for Marshes, Swamps, and sunken Grounds, and until a Year after such Notice.

AND in case the Possessor of such Land shall not within the said Year obtain Rights for the Surplus-Land, and give an Account to the Sheriff of the County where the Lands lye, of the just Quantity held by him, and pay all the Quitrents that shall be in Arrear for the same from the Publication of this Act: Then the Person who gave the Notice as aforesaid, may Survey the said Land at his own Charge, and sue forth a new Patent for the Surplus that shall be found within the Bounds of the Patent, Deed, or other Title or Conveyance by which the same is held. And this Surplus Land shall be granted under the same Conditions as Lands not before patented.

Proviso, THE Patentee or Possessor may assign the Surplusage-Land in what Part of the Tract he pleases in one Piece.

Provided also, THAT if upon Notice given as aforesaid, the Person in Possession shall survey his said Tract within the Year, and it be found that he hath no more Land than he pays Quitrents for, the Person giving such Notice, shall be liable to pay all the Charge of the Survey for his unjust Vexation, by Action upon the Case at the Suit of the Party grieved. And that in all such new Surveys, an Allowance shall be made to the Patentee or Possessor of five Acres in every hundred for Variation of Instruments.

FOR preventing Controversies about Bounds of Land,

EVERY Person's Land shall once in four Years be processioned, and the Land Marks renewed in the following manner.

THE County-courts between the first of *June* and first of *September*, 1711. and so between the first of *June* and first of *September*, in every fourth Year thereafter, by Or-

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der of Court, shall direct the Vestry of each Parish in their County to divide their Parish into so many Precincts as to them shall seem most convenient, for Processioning every particular Person's Land in their Parish, and to appoint the particular Times between the last of *September* and last of *March* then next coming, when such Processioning shall be made. And also to appoint at least two intelligent honest Freeholders of every Precinct to see such Processioning perform'd, and take and return to the Vestry an Account of every Person's Land they shall procession, and of the Persons present at the same, and of what Land in their Precincts they shall fail to procession, and of the particular Reasons of such Failure.

THE Clerk of the Court within ten Days after, shall send a Copy of this Order to the Church-wardens of every Parish in his County.

THE Church-wardens shall call a Vestry to meet within ten Days after Receipt of such Order.

THE Vestry shall punctually obey it in every Particular.

THEN the Church-wardens shall give punctual Notice at the Church or Chapel, at least three *Sundays* next before the same is to be perform'd, of the Persons and Times so appointed by the Vestry for Possessioning in every several Precinct.

THE Vestry shall cause the Account, which shall be return'd to them by the two Freeholders, to be registred in particular Books to be kept for that purpose by the Clerk of the Vestry.

To prevent Mistakes in such Register, the Church-wardens in the Presence of the Vestry shall examine the same, and compare them with the Original Returns, within six Months after such Return shall be made from Time to Time, and test the Register.

THAT no Person may pretend Ignorance of his Duty herein, the Vestries shall appoint what Precinct every Freeholder thereof shall attend, and perform the Processioning.

IF any Parish shall happen to lye in several Counties, the Orders of Court of each County shall be signified to the Church-wardens thereof, and obey'd by the Vestry as before.

COURTS failing in their Duty herein, every Justice in the County shall forfeit 1000*l.* of Tobacco.

VESTRIES failing, every particular Member thereof shall forfeit 200*l.* of Tobacco.

EVERY Church-Warden failing, shall forfeit 500*l.* of Tobacco.

CLERK of the Court failing, shall forfeit 1000*l.* of Tobacco.

THE said Forfeitures shall be one Moiety to the King, his Heirs and Successors, for the Support of the Government: The other Moiety to the Informer, by Action of Debt, Bill, Plaint, or Information with Costs.

Provided, UPON Suit commenced, such Justice, Vestryman, or Church-Warden, may give Evidence, that he was necessarily absent, or being in place offer'd to do his Duty, and thereupon shall be discharged.

IF any other Person not having lawful Excuse shall fail to perform his Duty herein, he shall forfeit 500*l.* of Tobacco with Costs, at the Suit of the Church-Warden or Church-Wardens of the Parish, for Ornaments for the Church or Chapel.

ANY Person's Bounds thus processioned at three several Times, shall be established.

WHEREAS divers Persons refuse to have their Land processioned to the Damage of the Owners of adjacent Lands; *Enacted*, That if the Owner of any Land shall refuse to suffer his Land to be processioned pursuant to the Directions in this Act given; then the two Freeholders Processioners shall within ten Days after such Refusal certify the same under their Hands to the Church-Wardens of the Parish, who shall carry the said Certificate to the next Sitting of the County-Court, which said Court shall order the Surveyor with a Jury to lay out and procession the said Land of the Person refusing, at the Charge of the Person so refusing, and to return the Survey thereof with the Proceedings to the next Court after the Survey made, which Survey and Proceedings shall be recorded, and a Copy thereof sent by the Clerk within ten Days after the Return made to the Church-Wardens of the Parish where the Lands shall lie, and be registred in the Vestry Book.

IF the Lands of the Person refusing shall lie in more Counties than one, a Certificate shall be made to each Court, whereupon the Court of the County in which the

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Beginning of the Land shall be, shall order the Surveyor with a Jury of their County to survey and procession the whole Bounds, and the Sheriff of each County shall attend in their respective Counties; which Surveys in manner aforesaid made, shall be a sufficient Processioning, as if done by the Consent of the Owner.

AND if any Justice of Peace, Church-warden, County-Court Clerk, or other Person shall fail in his Duty herein, not having lawful Excuse, he shall forfeit the like Penalties as before in this Act laid on such Justice, Church-warden, Clerk, or other Person respectively failing, to be recover'd in like manner, and to the Uses aforesaid.

Provided, THE Procession of Lands of a Tenant for Life, shall not bar or conclude the Heir in Reversion or Remainder, but such Person may at any Time within six Years after the Death of the Tenant for Life, controvert the Bounds as if such Procession had never been made.

ALL Persons under Age, *Feme covert*, *non compos mentis*, imprison'd, or out of the Colony, within six Years after such Incapacities removed.

PROCESSIONING made by the Act of the 23^d of October, 1705. according to the Directions of the said Act, shall be held one of the three Times of Processioning by this Act for Settlement of the Bounds, so as the same may never be altered.

IF any Person or Persons shall shoot, hunt, or range upon the Lands, or fish or fowl in any Creeks or Waters included within the Bounds of any other Person without Leave, being convicted by Confession, or the Oath of one Witness, shall forfeit to the Party grieved 500 *l.* of Tobacco to be recovered with Cost, by Action of Debt, Bill, Plaint, or Information, &c. and moreover, shall be liable to Action at Common Law, wherein the Party grieved shall recover his Damages.

IF any Person shall be a third time convicted, the Justices of the Court, over and above the Forfeiture aforesaid, shall commit such Person to Prison till he find Surety in 10 *l.* Sterling for his good Behaviour a Year, and if he shall in that time be found guilty again in Form aforesaid, it shall be a Breach of the good Behaviour. *Vid.* 1. a. 1712. 1. a. 1713. 2. 3. 4. 1720.

An Act for establishing-County-Courts, and for regulating and settling their Proceedings therein.

1710.

c. 11.

IN every County there shall be held a monthly Court, according to ancient Custom, they shall be called County-Courts, and shall be held at the respective Places already assigned, or such other Places as shall be lawfully assigned for that Use.

THEY shall consist of eight or more Justices for every Court respectively, shall be called Justices of the Peace, and shall be commission'd by the Governours or Commanders in chief for the Time being, being by Commission under the Colony-Seal, and not otherwise.

ANY four Justices, whereof one of the *Quorum*, shall make a Court.

EVERY Person commissioned for a Justice, before he enters upon his Office, shall take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in an Act, entituled, An Act to declare the Alteration in the Oath appointed to be taken by the Act, entituled, An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined; and shall make and subscribe the Test.

IF any shall take upon him the Office of Justice before he hath taken these Oaths and subscribed the Test, he shall forfeit 300 l. Sterling, one Moiety to the King, &c. the other to the Informer to be recovered by Action of Debt.

Provided, IF the said Oaths, Declaration, or any of them shall be abrogated by the Parliament of *Great-Britain*, they shall be so here also.

The Week Days of the Month County-Courts are to be holden.

Henrico the first
James City the second
York the third
Isle of Wight }
King and Queen }

} Monday.

Accomack

1710.

Accomack	}	the first	}	Tuesday.		
Middlesex						
Prince George	}	the second				
Essex		the third				
Northampton	}	is altered.	}	Wednesday.		
Princess Anne						
Charles City	}	is altered				
Richmond		the first.				
Lancaster	}	the second	}	Thursday.		
Stafford						
Northumberland	}	the third			}	Friday.
Surrey						
Elizabeth City	}	the fourth				
Nansemond						
Westmoreland	}	the last	}			
Warwick						
New Kent	}	the second			}	
King William		the third				
Glocester	}	the fourth	}			
Norfolk		the third				

New Counties made since this Law.

Sposilvania, Court Day is first *Tuesday* every Month.

Bromswick

Hanover

King George

} first *Thursday.*
first *Friday.*

COUNTY-Courts may not adjourn to any other Time but the Court in Course, or from Day to Day till the Docket finished.

COUNTY-Courts have Jurisdiction of all Causes cognizable by common Law, or in *Chancery* within their respective Counties, except such Criminal Causes as touch Life or Member, and except Prosecution to Outlawry, and all Causes of less Value than twenty Shillings, or two hundred Pounds of Tobacco.

ALL which Causes of less Value than twenty Shillings, or two hundred Pounds of Tobacco, are finally determinable by any one Justice of the Peace.

Proviso, WHEN Action shall be for twenty Shillings, or two hundred Pounds of Tobacco or more, and upon settling Accounts the Ballance shall be less, yet Judgment shall be granted for such lesser Sum.

JUSTICES

JUSTICES as well out of Court as within, have Power to keep the Peace within their Counties according to Law.

JUSTICES at entring into that Office, under like Penalty, &c. of 300 l. Sterling, to take the following Oaths for the Execution of that Office.

The Oath of a Justice of the Peace.

“ You shall swear, that as a Justice of the Peace in the
“ County of *A.* in all Articles in the Commission to you
“ directed, you shall do equal Right to the Poor, and to
“ the Rich, after your cunning Wit and Power, and ac-
“ cording to Law. And you shall not be of Council of
“ any Quarrel hanging before you, and the Issues, Fines
“ and Amercements that shall happen to be made; and all
“ Forfeitures which shall fall before you, you shall cause
“ to be entered without any Concealment or Imbezzelling.
“ You shall not let for Gift or other Causes, but well and
“ truly you shall do your Office of Justice of the Peace,
“ as well within your County-Court as without. And
“ you shall not take any free Gift or Gratuity for any
“ Thing to be done by Virtue, of your Office. And you
“ shall not direct, or cause to be directed, any Warrant by
“ you to be made to the Parties, but you shall direct them
“ to the Sheriff or Bayliffs of the said County, or other
“ the King's Officers or Ministers, or other indifferent
“ Persons to do Execution thereof.”

So help you God.

The Oath of a Justice of the County-Court in Chancery.

“ You shall swear that well and truly you will serve
“ our Sovereign Lord the King and his People, in the Of-
“ fice of a Justice of the County-Court of *A.* in Chan-
“ cery; and that you will do equal Right to all manner of
“ People great and small, high and low, rich and poor,
“ according to Equity and good Conscience, and the Laws
“ and Usages of this Colony, and Dominion of *Virginia*,
“ without Favour, Affection, or Partiality,

So help you God.

UPON

(1770).

UPON Complaint of any Person, that his Debtor is removing privately out of the County, or absconds, so that Process cannot be served upon him, any Justice may grant an Attachment against such Debtor's Estate, returnable to the next County Court.

ESTATE so attached shall be repleviable, by Security given, and Appearance at the next Court.

Proviso, BEFORE granting such Attachment, the Justice shall take Bond and Security to pay all Damages, as shall be awarded to the Defendant, in case the Plaintiff be cast in the Suit.

ALL Original Process, either by Writ, Summons, or other Means, to bring any Person to answer, &c. and all Executions and Attachments awarded by the Court, and all other Process belonging to any Cause or Matter depending, or to be depending in Court, shall be issued by the Clerk of the Court, and to the same Office returned from whence it issued.

ALL Process whatsoever returnable to any County-Court, shall be executed three Days before the Court-Day for Return.

IF any Process shall be delivered so late to the Officer that he cannot execute the same three Days before the Return, such Officer shall not execute the same, but return the Truth of the Case.

PROCESS taken out within three Days of a Court, shall be made returnable to the succeeding Court, and Process otherwise returnable void.

Proviso, ANY Justice by Warrant under Hand may cause any Traytor, Felon, Pirate, Rioter, Breaker of the Peace, or other criminal Offender to be apprehended and brought before the same or other Justice, or before the County-Court, tho' there be not three Days between the Warrant and Return.

PROCESS against a Counsellor or Sheriff of the County, and the Proceedings of the Court thereupon, shall be after the same Manner in the County-Court, as is directed for the general Court: And so also upon Return of Writs, the Orders against Sheriff or Bails, &c. and their Attachments thereon against the Delinquent's Estate.

Rules for the Court.

THE Plaintiff or Demandant shall file his Declaration one Day before Court.

PERSONS desiring the Clerk to draw the Declaration, shall give Directions in Writing two Days before the Court.

IF the Plaintiff or Demandant fails to file his Declaration, or to appear and prosecute, he shall be nonsuited.

UPON a Nonsuit, five Shillings shall be paid, besides Costs of Suit.

THE Defendant or Tenant shall plead in Writing.

THE Clerk shall preserve and file together the Declaration, Pleas, Evidences, and all other Papers relating to a Cause.

WHERE Title or Bounds of any Estate in Land are determined, the Pleadings shall be all in Writing, and enter'd at large with the Judgments thereupon in particular Books set apart for that purpose only.

ALL Proceedings and Judgments in Pleas of the Crown for Fines and Forfeitures, and other Matters relating to his Majesty's Revenues, be recorded in particular Books set apart for that Purpose.

In all Causes where any Fine is laid on the Members of the Vestry of any Parish, one Action may be brought against them all jointly.

JUSTICES before they adjourn, shall cause the Minutes of their Proceedings to be publicly read by the Clerk and corrected as Occasion, and then the same shall be sign'd by the first Justice in Commission then present. Which Minutes so sign'd, shall be taken in a Book and carefully preserved among the Records. And no Judgment of any Court shall be of force or valid, until they are so read and sign'd.

SPECIAL Bail in any personal Action shall be liable for satisfying the Judgment against the Defendant, unless he shall render his Body in Execution in Discharge of his Bail.

IF in any personal Action the Plaintiff move for special Bail of the Defendant, the Court, if they see Cause, may commit the Defendant until he give such Bail.

1760

Proviso, No Person to be held to special Bail, upon a Suit for Breach of a penal Law.

AND for as much as by Exceptions taken to Declarations by dilatory Pleas, Justice is often delayed, to the great Vexation and unnecessary Charge, &c. *Enacted*,

THAT in all personal Actions; where the Declaration shall plainly set forth all Matters of Substance required thereon, to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form.

PROCESS depending, shall not be discontinued by Justices failing to hold Court on the Day appointed; but on such Failure, shall stand continued: And the Returns and Appearances shall be made to the next succeeding Court.

AND if there want a Court, because one of the Justices is Party, then the Cause shall be continued to next Court.

Rules about Witnesses.

CLERK is issue *Subpœna*'s for the Witnesses in the County.

BUT if the Witness lives in another County, the Summons shall be issued by the Clerk, and signed by a Justice of the *Quorum* of the County, where the Suit is depending.

A WITNESS from another County, shall be paid as Witnesses at the General-court.

IF any such Witness shall by Sickness, Age, or other Disability, be incapable to attend any two of the Court (one being of the *Quorum*) may issue a Commission for taking the *Affidavit* of such Witness, as is directed in the like case for the General-court.

EVERY Person summoned as a Witness, and failing to attend, shall forfeit to the Party aggrieved 350 Pounds of Tobacco, to be recovered with Costs, by Action of Debt, Bill, Plaint, or Information; and shall be further liable to an Action on the Case for Damages, for want of such Person's Testimony.

Proviso, IF at the Time such Person ought to have appeared, sufficient Cause be shewn of his or her Incapacity to attend, no Forfeiture or Penalty shall be incurred.

Rules concerning Appeals.

IF the Defendant or Tenant shall appeal, he shall give Bond with good Security for prosecuting the same with Effect

Effect, and to perform the Judgment of the General-court, and to pay Damages, if the Judgment of the County-court shall be affirmed.

IN all personal and mix'd Actions, the Damages shall be Fifteen *per Cent.* upon the principal Sum, and Costs and Damages ordered by the County-court.

IN every real Action, the Damage shall be 2000*l.* of Tobacco, over and above the Costs, Charges, and Damages ordered by the County-court.

IF the Plaintiff or Demandant shall appeal, then the same Bail which shall be given for the Appearance of the Defendant or Tenant of the County-court shall also stand bound for the like Appearance at the General-court, to answer the Appeal; unless the County-court, shall think fit to direct that special Bail be given to answer such Appeal, and the Plaintiff or Demandant appealing, shall give Bond, with Security, twenty Pounds current Money, that he will prosecute the same with Effect.

AND if he do not appear to prosecute the same Appeal, then the said Bond shall be forfeited to the Defendant Appellee.

IF the Appellant do appear, and upon Trial, the County-court's Judgment be affirmed, he shall pay the Appellee Fifty Shillings current Money, or 500 Pounds of Tobacco, besides Costs.

WHERE a Person cast shall remove out of the County after Judgment, the Clerk may make out, and any Justice of the *Quorum* sign an Execution against the Body of such Person directed to the Sheriff of any County in Virginia, and every Sheriff to whom such Execution shall be delivered, must serve the same, as if issued from the Court of the County, where such Defendant shall be found.

An Act for raising a publick Revenue, for the better Support of the Government of His Majesty's Colony and Dominion of Virginia.

EVERY Hogshead, Box, Chest, Case, or Barrel of Tobacco shipt for Exportation to any Port whatsoever, pays Two Shillings current Money of Great Britain.

EVERY 500 Pounds of bulk Tobacco the same, and so *pro rato.*

AND

1710.

AND the same Duty is laid for all Tobacco shipt here for Exportation, though brought hither from any other place.

EVERY Ship entering here for unlading and relading, shall pay one Shilling and three Pence current Money of Great Britain Port Duties, for every Tun she is of Burden.

Proviso, SUCH Ship shall pay but once in a Voyage for unlading and relading.

SHIPS liable for Port Duties, shall be measured in the following manner, *viz.* all Ships and Vessels shall be measured by the Length of the Gun-Deck, deducting three Fifths of the greatest Breadth from outside to outside, and multiplying the Product by the Breadth from out to out (and not within Bound) and that Product again by half the said Breadth, and that Product divided by Ninety-four, which will give the true Contents of the Tunnage.

EVERY Ship or Vessel coming in, and entered, in Order to put a-shore Goods, Merchandizes, Passengers, Servants or Slaves, shall pay six Pence *per* Poll for every Passenger, Servant, Slave, or other Person imported, except Mariners in actual Pay.

IF any Master of a Ship or Vessel shall wittingly or willingly make a short Entry of the Number of Persons imported, for which the Duty aforesaid ought to be paid, he shall forfeit and pay ten Pounds current Money, one Half to the King, *&c.* and the other Half to the Informer, by Action of Debt, Bill, Plaint, or Information.

ALL the Impositions and Duties aforesaid shall be paid to the respective Collectors or Officers which shall be appointed to receive the same, and shall be to our Sovereign Lord the King, his Heirs and Successors for ever, to and for the better Support of this Colony, and no other Use whatsoever.

THE Governour for the Time being, with Advice of Council, is hereby authorized to appoint such and so many Collectors, Receivers, and other Officers as shall be found necessary, and to allow them such Salary not exceeding Ten *per Cent.* as shall be thought reasonable.

ALL Masters or Others concern'd in Payment of the Duties, for their Encouragement to give in true Accounts, and to pay down the whole Duties of a Ship in one intire Sum, either in Money, or good Bills of Exchange,

change, shall have such Allowance, as the Governor, with Advice of Council, shall think fit, not exceeding Ten per Cent.

Proviso, EVERY Ship or Vessel wholly and solely belonging to the Inhabitants of this Colony, shall be allowed the Duties aforesaid, both of Tobacco and Tunnage, to the Benefit of the Owners; and every Collector or Receiver of the said Duties, is ordered to allow the same to the Master upon his clearing.

FOR Prevention of Frauds in the Privilege aforesaid, no Ship or Vessel shall be accounted to belong to *Virginia* Owners, until Proof be made by the Oath of one or more of the Owners, before the Governor or Commander in Chief for the time being, and his Testimonial thereupon had under the Seal of the Colony, or until such Proof be made before the General Court, and a Certificate thereupon had from the Clerk of the said Court, under the Seal of his Office. And the Privilege not to be allowed without producing such Testimonial or Certificate; and also that the Master himself make Oath, "That he does not know that any Part of the said Ship or Vessel doth belong to any Person whatsoever, which is not an Inhabitant of *Virginia*."

An Act for ascertaining the current Rates of Foreign Coins in this Dominion,

THE several Species of Coin hereafter mentioned, shall be current in all Payments, for discharge of all Contracts, Bargains, or Debts hereafter created; and shall pass, be accounted, and received at the following Rates, viz.

Pieces of Eight of Mexico, Sevil, and Pillar, Duccatoons of Flanders, Ecues of France, or Silver Lewis, Cruzadoes of Portugal,	}	And all Halves, Quarters, and lesser Pieces of the same, shall pass at Three Pence Three Farthings the Penny Weight.
Peru Pieces, Cross Dollars, Old Rix Dollars of the Empire,		And lesser Pieces of the same shall pass at Three Pence half Penny the Penny Weight.

An ABRIDGMENT of

IF any shall refuse the above Coins in Payment at the above Rates, for a Debt contracted after this Act, he shall forfeit to the Person tendering the same, the Sum tendered, or refused by Action of Debt. And if the Forfeiture be less than Twenty Shillings, it shall be before a Justice.

IF His Majesty, His Heirs or Successors shall think fit at any time hereafter to permit Copper Money to be brought in, and pass in this Colony, the same shall pass, and be current at the like Rates it doth pass in *Great Britain*.

PROVIDED no Person shall be obliged to take above Two Shillings and Six Pence of the said Copper Money in any one Payment whatsoever above Twenty Shillings, or to take above One Shilling of the said Copper Money in any one Payment under Twenty Shillings.

IF any shall coin, counterfeit, falsify, or debase any of the Coins above mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they shall be deemed and adjudged as Offenders in Treason, and shall suffer such Pains, Penalties, and Forfeitures, as are mentioned in the Act of Parliament made in the Eighteenth Year of the Reign of Queen *Elizabeth*.

Proviso, THIS Act not to extend to Money Payments already due, to any of his Majesty's Revenues in this Colony, or Salaries out of the same, or protested Bills of *Exchange*, or specially expressing it to be due in Sterling, or any Debt contracted in *Great Britain*.

Provided also, THIS Act not to restrain His Majesty from regulating and settling the several Rates of the said several Species of Foreign Coins within this Colony in such other Manner, and according to such other Rates and Values by Proclamation or Instruction as he shall think fit.

An Act for Prevention of Abuses in Tobacco, Shipt or Freight.

c. 8.

ALL Masters of Ships before they be admitted to load Tobacco, shall give Bond to His Majesty, his Heirs and Successors in 200 l. Sterling, with Condition, not to crop, cut away the Bulge, draw the Staves, or otherwise abuse, or cause or suffer to be crompt, cut, drawn, or otherwise injured or abused by his Knowledge, Privity, or Procurement, any Tobacco Cask freighted on Board the said Ship or Vessel, unless it be so agreed upon between the Freighters and the said Master, and make Oath accordingly.

THIS

THIS Bond and Oath, the Naval Officer is to take, and administer.

IF a Naval Officer shall grant a Permit to load Tobacco before such Bond taken, and Oath made, he shall forfeit 200*l.* Sterling, one Half to the King, and the other Half to the Informer, with Costs by Action of Debt, Bill, Plaint or Information, &c.

IF any other Officer or Mariner belonging to a Ship or Vessel on Freight, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse, or be aiding and assisting in cropping, cutting away the Bulge, drawing the Staves, or otherwise abusing of any Cask wherein Tobacco is freighted, unless where it is so agreed as aforesaid, he shall forfeit 5*l.* Sterling to the Informer, with Costs by Action of Debt, Bill, Plaint or Information, &c. and may moreover be held to special Bail.

THIS Fact may be laid in any County, where the Offender shall be arrested, without Liberty of *Traverse*; and if there be more Actors than one in the same Fact, each Party shall be adjudged to the whole Fine separately, and the Master moreover liable for Damage to the Party grieved.

SUMMONING of Mariners as Evidences on such Prosecution, shall, *ipso facto*, discharge them of any Accusation thereafter to be made, for any Thing that shall be discovered on such Prosecution. And if a Mariner is faulty in the Fact, and becomes Informer, that shall also excuse him from the Fine for the Fact whereof he informs.

THE Collector, Naval Officer, or Searcher of the District, or any Person having Tobacco aboard, may go aboard in the Lading, and search whether any Breach has been committed against this Act.

IF any Master, Officer, or other Mariner shall hinder any such Search to be made, he shall forfeit Ten Shillings, half to the King, and half to the Informer, with Costs by Debt, Bill, Plaint, or Information, &c.

THIS Act to continue 'till the 25th of December 1713.
NOVEMBER 16. 1714. made perpetual.

1710. *An Act to explain Part of an Act of Assembly, Entituled, An Act establisbing the General Court, and for regulating and settling the Proceedings therein.*

c. 4. FOR Explanation of that Paragraph in the Act of 1705, concerning what shall be accounted Courts of Record,

Enacted, THAT nothing therein shall be construed to abridge His Majesty, his Heirs, and Successors, of granting Commission of Oyer and Terminer, and of erecting such other Courts of Record, as His Majesty his Heirs or Successors shall think fit, by Commission or Instructions to direct.

NOR to abridge the Royal Power, Prerogative and Authority of His Majesty, his Heirs and Successors, in receiving, hearing, and determining any Appeals from the Decree or Sentence of the said General Court.

NOR to debar any Person from Appealing therefrom where it is or shall be allowable by the Royal Instructions.

AND that all such Appeals, Commissions, and Instructions, shall be allowed and held good.

An Act to prevent the destroying and murdering of Bastard Children.

c. 12. IF any Woman not being a Slave shall be deliver'd of any Issue of her Body, Male or Female, which being born alive, should by Law be a Bastard, and that she endeavour privately, either by Drowning, or secret Burying thereof, or any otherways by herself, or Procurement of others, so to conceal the Death thereof, as that it may not come to Light, whether it were born alive or not, but lies concealed: In every such case, the Mother so offending, shall suffer Death as in case of Murder, except such Mother can make Proof, by one Witness at the least, that such Child was born dead.

THIS Act to be publish'd yearly on some *Sunday* in *May*, at every Church and Chapel, by the Minister or Reader immediately after Divine Service, under the Penalty of 500 Pounds of Tobacco for every Omission or Neglect, with Costs to the Informer in an Action of the case, &c.

the LAWS of VIRGINIA.

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1710.

THE Church-wardens to procure a Copy of this Act at the Charge of the Parish, under 500 l. of Tobacco Penalty, to be recovered in manner aforesaid.

An Act prohibiting Seamen being harboured or entertained a-shore.

act. 3.

EVERY Seaman that shall absent himself from the Ship or Vessel he belongs to, shall be taken up by any Person, and by Warrant from a Justice conveyed from Constable to Constable, 'till he be put on Board the Ship or Vessel he belongs to; and that Constable who shall deliver such Seaman aboard, shall take Receipts of the Master, Mate, or other Officer, and immediately carry the same to the Naval Officer of the District, where the Ship or Vessel rides before she is clear'd, and shall therefore receive of the Naval Officer, if ten Miles or under, five Shillings; and if above ten Miles, ten Shillings, which the Naval Officer shall be re-imbursed by the Commander of the said Ship or Vessel.

THE Justice before whom such runaway Sailor shall be brought, shall give the Taker up a Certificate under his Hand, to intitle him to the Reward hereafter given.

THE Reward of taking up a runaway Sailor, if ten Miles or upwards from the Ship, shall be twenty Shillings; if under ten Miles, ten Shillings.

THESE Rewards shall upon Certificate aforesaid be paid by the Naval Officer of the District, where the Ship or Vessel rides, which the Seamen belongs to.

THE Captain shall re-imburse the Naval Officer before he be cleared, or permitted to sail from that District.

JUSTICES Certificate afore-mentioned shall express what Ship or Vessel the Seaman belongs to, what Place he was taken up at, and whether it be ten Miles from the said Ship or Vessel, or under, or above; and that the Taker up make Oath before him of the Place of taking up.

IF a runaway Seaman taken up by Virtue of this Act, shall belong to a Vessel gone out of the Country before he is taken up, or can be got on Board, he shall be put on Board any of his Majesty's Ships of War, if the Captain thereof will receive him, and pay the Reward for taking: If such Captain refuse, he shall be delivered to the Master of any Merchant Ship that will receive him, on paying the Reward.

1710.

IN all Cases where a runaway Seaman belonging to any of his Majesty's Ships of War, or to Merchant Ships gone out of the Country, shall be put on Board any of his Majesty's said Ships, the Captain shall re-imburse the Naval Officer the Charge of taking up, and stop it out of that Sailor's Wages.

THE Naval Officer may use his Majesty's Revenue of two Shillings *per* Hoghead in his Hands, for so much Money as shall be necessary to pay off the Certificates, 'till they can be re-imburfed as by this Act is directed.

PROVIDED due Care be taken to get in the same.

IF a Constable, or other Officer, to whom such Sailor shall be committed, shall willingly or negligently let him escape, or fail in due time to deliver the Receipt aforesaid to the Naval Officer, he shall for his said Offence forfeit and pay to the King's Majesty, his Heirs and Successors 500 Pounds of Tobacco, with Costs, by Debt, Bill, Plaint, or Information, &c.

IF any Ordinary-Keeper, or other Person shall entertain, harbour, or conceal any Seaman, except he be able to give a good Account that he is about his lawful Business, such Ordinary-Keeper or Person shall forfeit 500 Pounds of Tobacco to the Informer, with Costs, by Debt, Bill, Plaint, or Information, &c.

IF such Offender shall not be able to pay the Fine, or give Security for paying it at the Crop, he shall have twenty Lashes on his bare Back, well laid on.

THIS Act, by the 7th Act 1713. made perpetual.

An Act for the further Restraint of tippling Houses, and other disorderly Places.

c. 14.

No Person shall sell by Retail any Wine, Beer, Cyder, Brandy, Rum, or Spirits, either in Houses, Booths, Harbours, Stalls, or other Place whatsoever, without Licence first obtained for so doing, in manner directed by Act of the 23d of October 1705. for Regulation of Ordinaries, and Restraint of tippling Houses under like Penalties, as in the said Act is contained for selling Drink without Licence.

Proviso, ANY Merchant, or other Person, may sell in what Quantity he pleases any of the aforesaid Liquors, not intended to be drank out at the Houses, Stores, or Plantations, where the same are sold.

An Act directing the Manner of granting Probates of Wills and Administrations of intestates Estates.

COUNTY-Courts shall have Jurisdiction of all Causes, Matters, Suits and Controversies Testamentary, and full Power to examine and take the Proof of Wills, and grant Certificates to the Governour and Commander in chief for the Time being, or his Deputy or Deputies appointed for that Purpose, being a Member or Members of the said Court respectively, of the Proof of all such Wills in order to obtain Probates thereupon, or Administration *cum testamento annexo*, as the Case shall require.

10 Anne.
7 Novem.
1711. by
Proroga-
tions.
à 25 Oct.
1710.
c.2.

AND to hear and determine the Right of Administration of the Estate or Persons dying intestate, in manner and according to the Methods, Rules, Orders, and Directions hereafter exprest, viz.

WILLS shall be proved in the Court of the County, where the Devisor's Mansion-house, or Place of Residence was.

IF no Place of Residence, and Lands be devised, then the Will shall be proved where such Lands lye.

IF in such Case the Lands lye in several Counties, and he shall die in any one of those Counties, the Will shall be proved where he happen'd to die.

IF he died in any other County than where any of his Lands lye, the Will shall be proved in one of the Counties where his Lands lye, and not in any other.

AND the Proof of any Will once well and sufficiently made in any County as above directed, shall be of the same Force for disposing Lands and other Estate, as if the same had been proved in every particular County where any Lands or other Estate shall be.

IF a Devisor shall die, and the Executor or Executors of his Will shall all of them refuse the Executorship, the Court wherein such Will ought to be proved, shall have Power to hear and determine to whom the Right of Administration ought to belong, and to grant Certificate for obtaining Letters of Administration *cum testamento annexo*.

WHEN a Will in Writing of Lands shall be exhibited, and Motion made that such Will may be proved, the

1711.

Court shall appoint a Time for the proving, and cause the next Heir at Law to be summon'd to appear and be present at the time of such Proof, and to shew forth any Thing that may be lawfully alledged against such Proof.

IF there shall be divers Heirs at Law in equal degree to the Testator, every one of them shall be summoned as aforesaid.

IF no such Heirs be known either to the Court or the Party desiring such Proof, who shall declare the same upon Oath in Court, then Proclamation shall be made by the Sheriff of the County at the Court-house, at two Courts successively; and he shall also set up Notes at every Church and Chapel in his County of such Will being exhibited, and desired to be proved as aforesaid, and that such Proof will be proceeded to and completed at the next Court, which shall be held for the said County after the Expiration of forty Days, from the making the last Proclamation.

Proviso, ALL Persons who, at the time of proving any Will at Common Law as aforesaid, shall be under Age of twenty one Years, *Feme covert*, *non compos mentis*, imprisoned, or out of the Country, shall have Liberty to contest the said Proof at any time, within ten Years after Disability removed, and not after.

RIGHT of Administration to an Intestate's Estate, shall be determined in the Court of the County where the Decedent's Mansion-house or Place of Residence was, and Certificate granted for obtaining Letters of Administration thereon in manner aforesaid.

IF the Decedent had no Mansion-house or Place of Residence, Certificate for obtaining Administration shall be granted by the Court of the County where he died.

IF an Executor shall die intestate, not having fully perform'd his Executorship, or an Administrator, not having fully administred the Goods of the Intestate, the Court that granted the Certificate for Probate or Administration, shall hear and determine the Right of Administration, and grant Certificate for obtaining Administration of the Goods not administred.

A Probate or Administration granted on a Certificate from any County-Court in this manner, shall go through the Country.

WHERE a Person shall die intestate, or the Executors shall all refuse, the Court shall grant Certificate in manner following, *viz.*

First, To the Husband or Wife of the Intestate if any be.

2dly, To the Child or Children, or their legal Representatives.

3dly, To the Parents.

4thly, To the Brothers and Sisters.

5thly, To the Uncles or Aunts.

6thly, To any others of remoter Degree.

IF no Will be offer'd to be proved, or Administration sued for within thirty Days of any Person's Decease, the Court may grant Certificate for Administration to any Person they shall think fit.

Provided, IF any Will shall thereafter appear, or any of the Deceased's Kindred, not having before refused, shall pray Administration, Certificate for obtaining a Probate of the Will or Administration of the Estate, shall be granted to such Person as shall legally desire the same, in like manner as if any other Administration had never been granted.

Proviso, No Court hereby disabled from summoning any Person whatsoever, having the Will of a deceased Person in Possession, to exhibit the same to the Court in order to a legal Probation thereof: But that any Person may be compell'd by Summons, or other lawful Process, as the Court shall think fit, to produce such Will.

ALL Probates, Commissions of Administration, or with the Will annexed, issued upon Certificate granted according to this Act, signed by the Governour or Commander in chief, and sealed with the Colony Seal, or sign'd by his Deputy, being one or more of the Magistrates in Commission of the Peace, and sealed with the Seal of the Court where the same shall be granted (which Seal the Court is to provide at the Charge of the County) shall be good all over the Colony.

BEFORE a Probate or Administration shall be granted, the Executor or Administrator (as the Case is) shall take the following Oath.

*An ABRIDGMENT of**The Oath of an Executor.*

6711.

“ You shall swear that this Writing contains the true
 “ last Will of the within named *A. B.* deceased, as far as
 “ you know or believe, and that you will well and truly
 “ perform the same by paying first his Debts, and then
 “ the Legacies contained in the said Will as far as his
 “ Goods, Chattels and Credits shall thereunto extend, and
 “ the Law shall charge you: And that you will make a
 “ true and perfect Inventory of all the Goods, Chattels
 “ and Credits,

So help you God.

The Oath of an Administrator.

“ You shall swear that *A. B.* deceased, died without
 “ any Will, as far as you know or believe, and that you
 “ will well and truly administer all and singular the Goods,
 “ Chattels and Credits of the said Deceased, and pay his
 “ Debts as far as his Goods, Chattels and Credit will there-
 “ unto extend, and the Law require you; and that you
 “ will make a true and perfect Inventory of all the said
 “ Goods, Chattels and Credits, as also a just Account
 “ when thereunto required,

So help you God.

For better securing the Estates of Persons deceased.

WHERE the Court shall have Grounds to suspect that the Executor will indirectly or fraudulently administer the Estate, and also where any Administrations are to be obtain'd, there shall not be granted to any such Executor so suspected, a Certificate for obtaining the Probate, nor for Administration to any Persons whatsoever, untill such Executor or Administrator shall have given such sufficient Security as the Court shall approve (respect being had to the Value of the Estate) for the faithful and true Administration of such Estates: Which Security shall be bound to the Justices of the Court, and to their Successors in a Bond, with one of the following Conditions, *viz.*

The

The Condition of the Bond to be given by Executors or Administrators, with the Will annext.

471st.

THE Condition of this Obligation is such, That if the above bound *A. B.* Executor of the last Will and Testament of *C. D.* [or Administrator with the Will annext of all the Goods, Chattels, and Debts of *C. D.* deceas'd,] make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceas'd, which have, or shall come to the Hands, Possession or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons for him; and the same so made do exhibit, or cause to be exhibited, into the County-Court of *N.* at such Time as he shall be thereto required by the said Court. And the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits of the said Deceas'd, at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said *A. B.* or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law, and further do make a true and just Account of his Actions and Doings therein, when thereto required by the said Court: And also do well and truly pay and deliver all the Legacies contained and specified in the said Testament, as far as the said Goods, Chattels and Credits will thereunto extend according to the Value thereof, and the Law shall charge him. Then this Obligation to be void and of none Effect, otherwise to remain in full Force and Virtue.

The Condition of the Bond for Administration.

THE Condition of this Obligation is such, That if the above-bound *A. B.* Administrator of all the Goods, Chattels and Credits of *C. D.* deceas'd, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceas'd, which have, or shall come to the Hands, Possession or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons

1711.

Persons for him, and the same so made do exhibit, or cause to be exhibited into the County-Court of N. at such Time as he shall be thereto required by the said Court; and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits of the said Deceas'd at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law, and further do make a true and just Account of his Actions and Doings therein, when thereto required by the said Court; and all the rest and residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed by the Justices of the Court for the Time being, shall deliver and pay unto such Person or Persons respectively, as the said Justices by their Order or Judgment shall direct, pursuant to the Laws in that Case made and provided. And if it shall hereafter appear, that any last Will and Testament was made by the said Deceas'd, and the Executor or Executors therein named do exhibit the same in the said Court, making Request to have it allowed and approved; accordingly, if the said A. B. being thereunto required, do render and deliver up his Letters of Administration, Approbation of such Testament being first had and made in the said Court. Then, &c.

THE said Bonds shall be sued in the Name of the Justices to whom payable, and of their Successors, at the Costs of the Party injured, and shall not become void upon the first Recovery, but may be sued again by any other aggrieved, and so *toties quoties*, untill the Will or Estate be complied with, or until Judgment be enter'd for the full Penalty of the Bond.

AND if the said Bonds may be sued in the Court before which they were enter'd into.

IF any Executor shall make legal Proof of his Decedent's Will, and the Court upon suspicion or suggestion, shall order such Executor to give Security, and he fail two Months after to comply therewith, the Court shall take
such

such Failure for a Refusal of the Executorship, and Administration with the Will annext shall be granted in manner aforesaid, to such next of Kin as should otherwise have had Administration in Case no Will had been made.

THAT the Value of all Decedent's Estates may be the better known, and an Account thereof more justly kept, every Executor or Administrator shall at the next Court after such Certificate to him granted, exhibit upon Oath a true and perfect Inventory of the Estate as far as in them lies, or at such further Time as the Court shall allow.

THE Courts shall cause Appraisements of all Decedents Estates to be made in Money, by at least three good Men upon Oath, and in the same Order shall appoint the Appraisers, and nominate one or more of the Justices in their County to administer the Oath to the Appraisers for their true and just Valuation of the Estate, according to the best of their Judgments.

THE Appraisers, for Attendance, shall have thirty Pounds of Tobacco *per* Day.

IF a Person shall die Intestate whilst his Crop is on the Ground unfinished, or being Testate, shall not have otherwise directed; the Servants and Slaves imployed in the Crop at the Time of his Decease, shall be continued imployed in the Crop until the 25th of *December*, and then the said Crop shall be Assets in the Executors or Administrators Hands, and be appraised accordingly.

THE Slaves after the 25th of *December*, shall be deliver'd to such Person as they shall descend to by the Act declaring Slaves a real Estate.

Proviso, No Executor or Administrator, shall be answerable for any such Servant or Slave as shall happen to die in that Time although Inventoried.

Proviso, ANY Person having Estate more than sufficient to pay his Debts, may settle his or her Estate by Will in such manner as he or she shall think fit, and may direct that the same shall not be appraised, and the making a true Inventory of the Estate of such Person without proceeding to appraise the same, shall be sufficient.

Proviso, IF any Devisor shall bequeath his Estate to his Children, or to the Husband or Wife, or to his Wife and Children, and make them or any one of them Executors, or in Case there be no Husband or Wife, or Child, such
Devisor

1711.

Devifor fhall make any Perfon whatfoever refiduary Legatee, or where the Teftator fhall in his Will direct, that his Executor fhall not be obliged to give Security; In all or any of the Cafes aforefaid, no Security fhall be demanded, nor of any Perfon appointed Executor in Trust, *durante minore etate* of his Children, where he fhall by his Will have made his faid Children Executors, and order'd that his Eftate fhall be preferved in Kind, and the Profits thereof to redound to the Benefit of fuch Children at their coming of Age.

Proviso, NOTHING herein to reftain the Power of Executors over their Teftator's Eftates before Probate, or until Adminiftration with the Will annex, as it was before this Act.

ORIGINAL Wills fhall remain in the Clerks Office, except it fhall be removed by Order of a Superior Court.

EVERY Probate fhall have a Copy of the Will annex.

Proviso, WHERE a Decedent fhall leave an Eftate to the Value of fifty Pounds or upwards in divers Counties, the general Court may grant Certificates as aforefaid.

AND in all Cafes where Wills are exhibited to be proved in the general Court, the Court fhall affign a certain Day of the next fucceeding general Court for proving the fame, and fhall direct Summons to the Heir or Heirs at Law in the fame manner as is directed for the County-courts. And wherever Proclamation is by this Act made requifite for summoning an Heir, the general Court fhall caufe fuch Proclamation to be publickly affixed in their Court-houfe, and alfo caufe Proclamation to be made in the County where the Teftator died, in the fame manner as is directed upon proving the Will in the County-Court.

PROBATES and Adminiftrations upon Certificates from the general Court, fhall be under the Seal of the Colony, and fign'd by the Governour or Commander in Chief for the Time being, or by fome Member of that Court commiffionated for that Purpofe.

THE Forms of the Oaths and Bonds for the due Difcharge of Executors and Adminiftrators Trust fhall be the fame, *mutatis mutandis*, as in the County-court.

Proviso, WHERE the general Court fhall grant Certificate for Adminiftration, and fail to take fufficient Security, the Members of the faid Court granting fuch Certificate, and every one of them fhall be liable to pay fuch Los and
Damage

1711.

Damage as shall accrue, by Reason of such Failure, in the same manner as the Justices of the County-court in the like case should have been.

WHEREAS all Decedents Estates are ordered to be Appraised in Money, and they often leave Debts upon them in Tobacco, or other Commodities in Specie, which may occasion Disputes about settling the Estate;

Enacted, THAT if a Contract for Tobacco, Corn, Beef, or other Commodity be recovered against an Executor or Administrator in Specie, and the Executor or Administrator shall not at that time have so much of the same Specie of the Decedent's in his Hands, then upon Motion and Oath made by the Executor or Administrator, that "There
" is not a sufficient Quantity of the Commodity so contracted for, belonging to the Decedent's Estate, in the
" Hands of any of the Executors or Administrators, to
" satisfy the Debt so to be recovered in Specie;

THE Court shall value in Money the Commodity contracted for, and give Judgment for the same in Money (and not in Specie) out of the Decedent's Estate.

THE County Clerks shall in *April* and *October* yearly, return to the Secretary's Office, a List of all Certificates granted in their Counties, containing the Names of the Testator or Intestate, the Executors or Administrators, and the Securities.

THE Secretary is to Record this List alphabetically in Books, for that Use only.

An Act for Building a Prison for Debtors to be committed to, by the General Court.

THE Governour was intrusted, with the Building, and it being finished;

c. 3.

It is called the General Court Prison for Debtors, of which

THE Judges of the General Court, or the greater Part of them are to lay out, and appoint Rules.

THE Sheriff of *York*, for the Time being, is appointed Keeper of the Prison, and constantly to attend the General Court, and to take into Custody Persons committed by the Court on mean Process, or in Execution in any civil Action, or for Contempt of the Court.

His Fees shall be such as are allowable by Law.

FOR his Care of the Prison, looking after the Prisoners, and Attendance on the General Court, he shall be allowed by the General Assembly.

FOR subsisting poor Prisoners that can't maintain themselves, he shall be allowed six Pence *per* Day by the General Assembly.

PROVIDED no Fee, or Security for a Fee be taken of such poor Prisoner by the Sheriff, as Keeper, on any pretence whatever.

SUCH poor Prisoner shall not be detained for Fees to the Keeper.

WHERE any is in this Prison upon Arrest in a personal Action, if the Plaintiff file his Declaration in the Office, and give the Prisoner a Copy thereof a Month before the Court, (which may be proved by one Oath, before one of the Judges of the General Court,) and the Prisoner doth not enter his Plea thereto with the Clerk three Days before the Court Day, to which the Action shall be entered, the Plaintiff may obtain Judgment.

An Act to prevent Land lapsing from Infants, for not Seating and Planting, or not Paying Quit-rents, until three Years after they come of Age.

11 *Annae*,
Capitol,
Octob. 22.
1712.
c. A.

WHERE any Person shall obtain a Patent for Land, and die within three Years of the Date, without seating and planting thereon, or paying Quit-rents, according to the Condition in his said Patent, and the Right of Inheritance shall descend or come to an Infant under twenty one Years of Age; The Court of the County in which such Ancestor shall die, is required to take Security of the Guardian of such Infant, duly to answer and pay the yearly Quit-rents for all the Land that shall descend to such Infant; and shall yearly inquire how the same is perform'd.

WHERE there shall not be sufficient Distress found upon the Land of any Infant, to satisfy the Quit-rents due for the same; the Sheriff may distrain the Goods of such Guardian.

AND if it shall happen, that either through Neglect of the County-Courts to take such Bond, or the Sheriffs to make Distress, the Quitrents for the Infant's Lands shall not be paid, nor any Seating or Planting made thereon, the said Land shall not be forfeited for want of Seating or
Planting,

Planting, or not paying of Quitrents until three Years after he comes of Age, and a Seating and Planting, and paying of Quitrents made within that Time, shall be allowed good to save the Land.

Provided, WHEN in such Case the Land shall descend to an Heir female, and she marry before twenty one, the three Years hereby allowed for Seating and Planting, and Payment of Quitrents, shall be accounted from the Time of such Marriage.

An Act for appointing Rolling Houses, and Publick Landings, and ascertaining the Prices of Storage.

ALL Houses now built and used as publick Rolling Houses, not distant above a Mile from a publick Landing, are continued and confirm'd. And if not kept up by the Proprietors, the County-courts may grant the same to any other Person that shall be willing to build a Rolling House.

ALL Landings now used as publick Landings for Tobacco or Goods, are continued and confirmed.

WHERE the Rolling Houses already built are not within a Mile of a Landing, the Court may order new Rolling Houses to be built on the same Roads, not distant above half a mile from the Landing.

FOR Conveniency of the Inhabitants on the Heads of the great Rivers, where publick Rolling Houses and Landings are not already set out and built, the County-Courts upon Application of the Inhabitants for such Landings or Rolling Houses to be appointed on the Land of any Person, may summon the Owner of the Land; or if the Owner be under Age or out of the Country, the Guardian or known Attorney, as the Case shall be; and if they find it convenient and necessary, to set out a Landing, and order a Rolling House to be built within half a Mile by the Owner, Guardian, or known Attorney.

AND if the Owner, Guardian, or known Attorney refuse, or the Rolling House be not built within a Year, or if the Owner of a Rolling House already built refuse to let it to publick Use, or to keep it in order, the Court may appoint three good Men on their Oaths to value half an Acre of the Land, or such House and half Acre, the Value whereof being paid and reported to the Court, shall vest the Fee simple in any one the Court shall al-

1712.

c.s.

1712.

lot to build the Rolling House, upon Condition that such Party or his Assigns keep on such half Acre such Rolling House as the Court from Time to Time shall direct. Otherwise the said half Acre to revert to the Proprietor, or such other Person as will build and maintain such Rolling House thereon.

Provided, SUCH House be not a Dwelling-House or Out-House belonging or contiguous to it, or that such half Acre be not at the Time of such Appointment the Garden, Orchard, or Court-yard to any Dwelling-House.

Provided also, THAT the Owner of such half Acre, having no Land adjacent, shall not keep Hogs or other Stock upon the half Acre, but what shall be constantly kept within a sufficient Fence upon the same, on Penalty of paying Five Shillings for every Head of Horses, Mares, Neat Cattle, Sheep, Goats, Hogs, Shotes, or Pigs, that shall be found at large upon any of the adjacent Lands, to the Owner of such Land cognizable by a Justice.

Price of Storage if lodg'd in the House.

<i>A Cask of sixty Gallons and upwards, or Bale</i>	}	l.	s.	d.
<i>or Parcel of the like or greater Bulk. For the</i>				
<i>first Day, or first three Months.</i>				
		0	1	0
<i>For every Month after</i>		0	6	6
<i>Every Cask, Bale, or Parcel of less Contents</i>		0	0	6
<i>For every Month after the first three Months</i>		0	0	3
<i>Grain not packt up the first three Months per</i>	}	0	0	1 $\frac{1}{4}$
<i>Bushel.</i>				
<i>For every Month after</i>		0	0	0 $\frac{2}{3}$

The Money to be paid before Goods delivered.

IF any Keeper of a Rolling House refuse to take in any Goods, &c. he shall pay all Damages sustain'd thereby, shall answer for all Goods lost out of his House, and Damage happening in the House, or under the Care of the Keeper of the House, for want of Care, or by the Neglect of the Owner or Keeper, or his Servants.

Provided,

Provided, ANY Person may appeal to the general Court from any Order of the County-court, given in Execution of this Act.

An Act declaring what shall be accounted a sufficient Seating, Planting, Cultivating, and Improving of Lands already, or hereafter to be taken up and patented.

WHEREAS the Queen's most excellent Majesty for the better cultivating and improving Lands in this Colony, hath by her Royal Instructions been pleased to direct that in all Grants of Land hereafter to be made, due Regard be had to the profitable and unprofitable Acres, and that every Patentee be obliged in the best and most effectual manner to cultivate and improve three Acres, part of every fifty so granted within three Years after the passing of such Grant : And hath also signified her gracious Permission, that a Law be past here conformable to her said Instructions.

12 Anna
Capitol 5.
November
1713. by
Prorogati-
on from the
22d Octo-
ber 1712.
c. 3.

AND whereas great Part of the Lands now to be taken up, are so barren that the same cannot be cultivated and tended with any Profit to the Owner, until first improved and manured, and others are so stony and rocky that no Person will patent the same, except upon the Prospect of the Mines and Quarries which may be found therein : And many other Tracts are full of Marshes, Swamps, and sunken Grounds, unfit either for cultivating or Pasturage, without being first clear'd and drain'd : To the End therefore, that sufficient Encouragement may be given for taking up, as well the unprofitable as the profitable Lands for Advancement of Her Majesty's Revenue of Quitrents and Benefit of her Subjects;

Enacted, NONE but commission'd and sworn Surveyors to survey in order to obtain a Patent, and that in all such Surveys the Breadth of the Tract bear at least the Proportion of one third Part of the Length, except where the Courses shall be interrupted by Rivers, Creeks, or unpassable Swamps, or by the Bounds of Lands before taken up.

THAT in all after Surveys, the Surveyor take particular Notice to the best of his Judgment, how much of the Land he surveys is plantable, and how much barren and

An ABRIDGMENT of

unfit for present Cultivation, and insert in the Survey and Plot, he returns to the Secretary's Office, the true Quality of each kind of Land

AND whereas divers Tracts of Land have been hitherto survey'd for sundry Persons who have not yet obtain'd Patents, in which no Distinction is made between plantable and barren Lands, nor can the same be known without resurveying such Land, which would be very chargeable and expensive to the Persons claiming the same;

Enacted, THAT for all Lands survey'd before the last of *October* 1713, one third part shall be accounted plantable, and the other two thirds barren.

FOR every fifty Acres in the Tract accounted plantable, the Patentee shall in three Years clear, tend, and work three Acres at least, and so proportionably in some part of the said Tract, where he shall judge it most advantageous: Or else clear and drein three Acres of Swamp or sunken Ground, or drein three Acres of Marsh: And for every fifty Acres of the said Land accounted barren, shall put and keep on the said Tract within three Years three Neat Cattle, or six Sheep or Goats; and shall be obliged to keep the said Number of Neat Cattle, Sheep, or Goats on the said Tract of Land, until three Acres for every fifty be fully improved, clear'd and tended.

IF any Person shall take up a Tract of Land, wherein there shall be no part fit for present Cultivation without manuring or improving, such Patentee shall within three Years build on some Part of the said Land, a Dwelling House after the Manner of *Virginia* Building, twenty Foot long and sixteen Foot broad. And also put and keep thereon the like Number of three Neat Cattle, or six Sheep or Goats, for every fifty Acres.

AND where any Person shall patent stony and rocky Grounds, not fit for Planting or Pasturage, if such Patentee shall in three Years begin to employ thereon, and so continue to Work for three Years then next coming, in digging any Stone, Quarry, Coal, or other Mines, one able Hand for every hundred Acres of the said Tract, such shall be a sufficient Seating, Planting, and Cultivation within the meaning of this Act.

Provided, THAT every three Acres which shall be clear'd, tended and workt, and every three Acres which shall be drain'd and clear'd, shall be sufficient to save for ever from
lapsing

laping fifty Acres in any Part of the same Tract: And the Patentee, his Heirs and Assigns, shall thereafter be at Liberty to withdraw his Stock, or forbear working in any Quarry or Mine in proportion to such Cultivation and Improvement as shall be made upon the plantable Lands, or upon the Swamps, sunken Grounds, and Marshes of the same Patent.

1743.

AND whereas divers of her Majesty's Subjects, before her Majesty's Pleasure was publickly notified concerning the granting of Lands, were at great Charge and Trouble in taking up and surveying divers Tracts of Land, in Expectation of Grants thereof upon the Conditions of Seating and Planting, required by the Laws and Usages of the Country then in Force, and must now relinquish their Pretensions to the said Land with intire Loss of all their Charges thereupon, unless some further Time be given for improving and saving the same;

Enacted, THAT for all Lands entered and survey'd before the 8th of *October* 1710. for which Patents shall hereafter be sued out, there shall be allow'd five Years for Seating, &c.

Enacted, THAT when any Land is sued for as lapsed, the Patentee or Possessor shall reserve such Quantity as he shall have made a sufficient Seating to save, and shall allot the Residue to the Claimer as lapsed, in any Part of the Tract, in one entire Piece.

Provided, NOTHING herein shall be construed to oblige the Patentee of Lands, heretofore granted, to make any farther or other Cultivation or Improvement thereon, than was required by the Laws or Instructions in Force, at the Time of obtaining the Grant.

Provided, NEVERTHELESS, That every Patentee shall be obliged duly to pay the Quitrents for the said Lands: And that upon failure of Payment thereof for the space of three Years at any Time after the Date of his said Patent, all the Estate, Right and Title of such Patentee shall be determined, and utterly void. And the said Lands revert to her Majesty, &c. notwithstanding the same shall have been seated, planted, cultivated, &c.

Provided also, THAT in all Grants hereafter to be made, of Lands lapsed, &c. the same Proceedings shall be had as by the Act of the 25th of *October*, 9. *Anna Regina*, for settling

1713. settling the Titles and Bounds of Land, &c. are directed and prescribed.

Enacted, WHEN any Person who hath heretofore, or shall hereafter take up Land, shall have seated or improved the same, or any Part thereof; he may make Proof of the same in the general Court or County-Court where the Land shall lie, and have such Proof certified to the Secretary's Office, and there enter'd with the Record of the Patent, a Copy of which shall be admitted good Evidence on any Trial to prove the Seating, &c.

THAT all Lands hereafter seated or improved according to the Directions, and within the Time by this Act, shall not be forfeited for not complying with the Condition of cultivating and improving mention'd in the Patent.

An Act for Registering Births, Christenings, and Burials.

c. A.

THE Parent of a free Child, and Owner or Overseer of a Slave Child, shall register the same with the Minister or Reader, within twenty Days after the Birth: On Penalty of two hundred Pounds of Tobacco.

THE Master of a Family where a free Person shall die, and the Owner or Overseer of a Slave that shall die, shall register such Death with the Minister or Reader within twenty Days after: On Penalty of two hundred Pounds of Tobacco.

THE Minister or Clerk shall keep an exact Register of the Names of free Children and their Parents; the Names of the Owners of Slaves born, and the Sex of the Children; the Names of free Persons dying, and the Names of the Owners of Slaves dying; and on the 20th of *April* and *October* yearly return the same to the Secretary's Office.

THE Fee whereof shall be three Pounds of Tobacco, each Person registred.

PENALTY of neglecting to keep or return such Register, two hundred Pounds of Tobacco *per Month*.

HALF of the aforesaid Penalties to the Use of the Parish, the other half to the Informer, before a Justice.

THIS Act to be published in all Churches and Chapels in *March* and *September*, by the Minister, Reader, or Clerk, after Divine Service.

PENALTY two hundred Pounds of Tobacco, for every such Omission.

1713.

PENALTY on the Church-wardens neglecting to provide a Copy of this Act, five hundred Pounds of Tobacco, both which Fines to be divided between the Parish and Informer.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

c. 8.

No Person being an Inhabitant of the Colony, and not having a Freehold of fifty Acres of Land, or posselt of and occupying Land or Tenement to the Value of twenty Pounds, or not being Tenant of and occupying Lands or Tenements, for which he pays five hundred Pounds of Tobacco, or fifty Shillings yearly Rent, shall keep as Owner a Stone Horse or unspayed Mare, or any more than one Gelding or one spayed Mare; if any shall do it, any Person may take up such Stone Horse, Mare, or Gelding, above one, kept by such Person: And shall within three Days after such taking up, and three Days at least before the next County-Court Day where the Owner shall reside, give Notice in Writing to such Owner of such taking up: And if the Owner shall not at the next County-Court make Proof that he is an Inhabitant of some Place out of this Colony, or that he hath such Freehold, or is posselt of such Tenement; then from thenceforth such Taker up shall have the Propriety in such Beast.

BUT if such Notice cannot be given three Days before the Court next after the taking up of such Horse, &c. then the Person to whom such Notice is given, has Leave to the next succeeding Court to that.

No Person may keep in unfenced Grounds or Marshes a Stone Horse of two Years old, under thirteen Hands and a half high: Upon Penalty of forfeiting such Stone Horse, or four hundred Pounds of Tobacco and Cask for every such Horse found in Grounds not inclosed in a sufficient Fence.

ANY Person may take up such Horse and carry him before a Justice, and make Proof before him, by the Taker up his Oath and another, that they did find, and take up such Stone Horse running in such uninclosed Grounds;

An ABRIDGMENT of

which Proof being made, the Justice shall cause the Horse to be measured, and if he is not of sufficient Size, the Justice shall certify the same under his Hand; and thereafter the Taker up may keep the Horse as his own.

Provided, THAT such Taker up shall set up Notes of the taking up such Horse, and the Marks, Colour, and Brand, at the County-Court and Parish Church-Doors; and if the Owner shall within two Months after such Notice, tender to the Taker up four hundred Pounds of Tobacco and Cask, or Security for the same at the next succeeding Court, such Owner shall recover and redeem such Horse.

Provided also, No Overseer not having Land of his own in the County wherein he resides, nor any Servant whatsoever shall be Owner of an unspayed Mare, nor shall keep any Horse, Mare, or Colt, without the License in Writing of his Master or Mistress. Neither shall any such Overseer or Servant keep any more than one, altho' the Master or Mistress shall grant such License: Upon pain of forfeiting every such Horse or Mare to him that will inform for the same, recoverable before any Justice of the County.

An Act for regulating and settling the Current Rates of Gold Coin, and of British Silver Coin in this Dominion.

1. Georgii.	British Gold Coin not mill'd.	} At 5 s. the Penny-weight.
16 November	Spanish or French coin'd Gold.	
1714. By	All Pieces of coined Gold of the Empire.	
several Pro-	All Chequins and Arabian Pieces of Gold.	
rogations, &	Moidors of Portugal and lesser Pieces of	} that Species.
22. October 1712.	Guineas at twenty six Shillings, and half Guineas thirteen Shillings.	
e. s.	Mill'd Silver Crowns, at five Shillings and ten Pence, and lesser Coin in Proportion.	
	English old Silver Coin, at three Pence three Farthings the Penny-weight.	

IF any refuse the said Coins in Payment at the above Rates, they shall forfeit to the Person tendering the same, the Sum tendered or refused, to be recovered by Action of

of Debt or Information. And if the Forfeiture be less than twenty Shillings, it shall be before a Justice.

If any Person shall coin, counterfeit, falsifie, or debase any of the Coins above mentioned, or by aiding, consenting, or counselling therein, he shall be adjudged guilty of High-Treason, and shall suffer such Pains, Penalties, and Forfeitures as are inflicted on Offenders in such Cases by the Laws of England.

Provided, THIS ACT not to extend to Money Payments already due, or any of his Majesty's Revenues in this Colony, or Salaries payable out of the same, or protested Bills of Exchange, or especially expressing it to be due in Sterling, or any Debt contracted in *Great-Britain*.

Provided, THIS ACT not to restrain his Majesty from regulating, or settling the several Rates of the said several Species of foreign Coins of Gold, or *British* Coins of Gold or Silver within this Colony, in such other manner, and according to such other Rates and Values, by Proclamation or Instruction, as he shall think fit.

An Act to oblige Owners and Occupiers of Mills, to which Publick Roads shall lead, to make the Dams of such Mills ten Foot wide at the Top.

ALL Mill-Dams already made, or which hereafter shall be made on any of the great Roads, which by Law are appointed to be cleared as publick Roads, and the Bridge at the Flood-gates, and the Passage at the Peerhead shall be substantial and strong, and of the breadth of ten Foot at the least, at the Top for the whole length of such Dams, Bridge and Passage.

THE Penalty by Owner or Occupier of such Mill 2000 l. of Tobacco, and so 200 l. of Tobacco *per* Month, it shall lie out of Repair.

IF the Owner of such Mill shall be under twenty one Years of Age, or out of the Colony, then the Guardian of such Infant, and the Attorney of such Owner, shall at the Charge of such Infant and Owner make and keep such Mill-Dam, Bridge, and Passage of the Breadth above, under the same Penalties, and Forfeiture, as before against the Owner or Occupier.

WHICH Forfeitures and Penalties may be recover'd by Action of Debt, Bill, Plaint, or Information, by the Owner of

of any other Mill in the same County, whose Dam shall be sufficient, and who shall first sue for the same.

AND if there shall be no such Owner of a Mill in that County, or if such Owner do not sue in two Months after the Forfeiture incurr'd; then by the Church-wardens of the Parish wherein such Mill shall be, for the Use of the Poor.

Proviso, THAT if any of the Mill Dams, Peerheads, or Floodgates aforesaid shall happen to be destroyed, or carried away by violent Rains or any other Accident; the Owner shall not be liable to the Penalties until one Month after such Mill hath ground a Bushel of Corn, or Grain for Toll.

An Act for settling the Fees of the Secretary, County-Court-Clerks, Sheriffs, Coroners, and Constables, and for ascertaining the Fees of Attorneys, to be allowed in a Bill of Costs.

4. Georgii. ATTORNEY'S Fee in the General Court, 50 s. or 500 l.
Capitol. 23. of Tobacco.
 April 1718. ATTORNEY'S Fee in the County-Court, 15 s. or 150 l.
 c. 1. of Tobacco.

WHERE the Plaintiff recovers Judgment, if the Court finds that the Defendant did unjustly and vexatiously delay the Plaintiff, may allow him one Attorney's Fee in the Bill of Costs, if he employed any in his Suit.

WHERE a Verdict shall pass against the Plaintiff, or he be nonsuited, the Court, before whom the same shall be tried, if the Action appear to them litigious and unjust, may allow the Defendant in his Bill of Costs one Attorney's Fee and no more, in case he employs any, in both which Cases it shall be paid in Money or Tobacco, at the Election of the Party charged.

OFFICERS Fees are settled according to the ensuing Table, and may be distrained by the Sheriffs, or Deputies, within three Years, and no Action to lie if Distress is to be had.

A Copy of the Secretary's Fees shall be set up in a Publick Place in the Secretary's Office, and there constantly kept by the Secretary, or his Deputy; on Penalty of 1000 l. of Tobacco to the Informer, for every Day it shall be missing by Neglect.

A Copy

1718.

A Copy of all the other Fees shall be set up in the County-Court Rooms, and the Clerks Office of the County, and there constantly kept by the respective Clerk, on Penalty of 1000 Pounds of Tobacco to the Informer, for every Day they or any of them shall be missing by Neglect.

THE Penalties recovered with Costs by Action of Debt, Bill, Bond, Plaint, or Information, &c. Provided Prosecution be within six Months of the Omission, and not after.

A Table of Secretary's Fees for the several particular Articles herein after expressed, chargeable on the Persons obtaining the same.

	<i>l. To.</i>
FOR Making out and Recording a single Patent for Land, and all Fees incident thereto.	80
FOR Making out and Recording a double Patent for Land, and all Fees incident thereto.	120
FOR a Copy of a single Patent.	30
FOR a Copy of a double Patent.	45
FOR a Probate of a Will, and all Fees incident thereto, if the Estate exceed 10 <i>l.</i> or 2000 <i>l.</i> of Tobacco, and be not above 50 <i>l.</i> or 10000 <i>l.</i> of Tobacco upon lawful Appraisement.	250
FOR such Probate, and all Fees incident thereto, if the Estate exceed 50 <i>l.</i> or 10,000 <i>l.</i> of Tobacco upon lawful Appraisement.	400
IF there happen to be no Appraisement, then the Fees for the Probate of any Will.	350

For Administrations, the like Fees in each Case as for the Probates.

	<i>l. To.</i>
FOR an Administration, with the Will annexed of an Estate, not exceeding 50 <i>l.</i> or 10,000 <i>l.</i> of Tobacco, and all Fees incident thereunto.	350
FOR such Administration, with the Will annexed of an Estate, exceeding 50 <i>l.</i> or 10,000 <i>l.</i> of Tobacco.	500
FOR Proving and Recording a Codicil to a Will, and all Fees incident thereunto.	100
	FOR

1718.

	<i>l. To.</i>
For a Copy of a Will, and Certificate of the Proof.	40
For a Copy of a Probate of a Will, or Commission of Administration.	40
For proving a Will at common Law, summoning the Heir, and all Fees incident thereto.	500
For a Copy of a Codicil and Proof.	40
For a Copy of an Inventory, or Inventory and Appraisment.	40

Deeds for Land.

	<i>l. To.</i>
For Entering the Order for Recording the Deeds.	16
For Acknowledging or Proving a Deed or Lease in Court, and Endorsing such Acknowledgment or Proof on the Deed or Lease, and Recording the same.	80
For Order and Recording a Relinquishment of Dower and Endorsements.	50
For Acknowledging or Proving, and Recording Deeds of Partition, and all Fees incident thereunto, each Party to be charged the same as for a single Deed; and for a Copy of each Part, the same as for a Copy of a single Deed.	
For acknowledging or Proving, and Recording a Receipt of the Consideration-Money, with the Minute and Endorsements.	30
For Recording Memorandum of Livery of Seisin, with the Minute and Proof, or Acknowledgment.	56
For a Copy of the whole Record of such Deed.	60
For a Copy of the Receipt, and the Acknowledgment or Proof of it.	30
For Acknowledging or Proving, and Recording a Bond to perform Covenants, or such like, with the minute Endorsement, and all Fees incident to the doing thereof.	40
For a Copy of the whole Record thereof.	40
For Acknowledging or Proving, and Recording a Letter of Attorney, and for all Fees incident thereto.	70
For a Copy of the whole Record thereof.	40
FOR	

1718.

	l. To.
For Recording a Deed for any personal Matter, or such like Paper, the Order, Acknowledgment, or Proof, and Fees incident thereto. }	70
For a Copy of the whole Record thereof.	40
For Recording an Inquisition on view of a dead Corps, to be paid by the County. }	30
But if the dead Person's Estate be sufficient, the Court of the County to levy it on his Estate.	
For a Hue and Cry.	30
For a Pass made out upon Certificate from a County-Court Clerk of any Person's Removal, Recording and Filing the Certificate 7 s. 6 d. cur- rent Money.	
And if a Bond be given for such Pass, then for the Bond, Pass, Recording the issuing of the Pass in the Secretary's Office, and filing the Bond, Ten Shillings current Money.	
For a Summons for a Counsellor or Sheriff at the Suit of any Person, or Docketing thereof. }	20
For an original Writ, and Docketing thereof.	15
For Dismission, when there is no further Proceed- ings on such Writ or Summons. }	15
For Filing the Copy of the Bail Bond, return'd with the Writ. }	6
For Docketing an Appeal, and returning it into Court.	10
For a Declaration, Petition, or Information.	25
For a Plea, Replication, or Demurrer, &c.	25
For Entring a Declaration, Petition, Information, Plea, or Demurrer, &c. }	6
For Filing any Paper or Evidence relating to a Cause in Court. }	6
For Endorsing the Court's Order on the Declaration or Plea, as the Case is. }	6
For an Order or Judgment.	15
For Returning on the Docket, the Continuance of an Action or Petition. }	10
For a <i>Subpœna</i> of an Evidence.	15
For Writing a Deposition in any Cause.	15
For a written Deposition.	10
For Administring the Oath thereto, and indorsing the Deposition. }	10
	For

	l. To.
For Recording the Deposition with the Endorsement, if required.	25
For a Copy of the whole Record thereof.	25
For Administring an Oath, or <i>Quaker's</i> Affirmation, without a Deposition in Writing.	10
For Swearing a Jury, if done in Court, and recording the Pannel and Verdict.	40
For Recording a Surveyor's Report on Land, and Endorsing and Filing the same.	42
For Recording the Jury's Report, and endorsing and filing the same.	42
For Recording the Report of an Audit, or Account stated, endorsing and filing the same.	42
For Entering each Attorney's Appearance on the Docket, one in Action.	10
For Filing a Warrant of Attorney.	6
For Recording a Warrant of Attorney, if desired.	20
For a judicial Writ.	30
For Noting the issuing in the Margent of the Record.	6
For Adding a Bill of Costs to the Judgment.	6
For a Bill of Costs.	6
For the Recording the Return of a Judgment satisfied, or Execution, whether the Execution be returned or not.	20
For Recording the Return of an Attachment where the Goods are attached, and the Attachment shall be proceeded in for want of Replevin, or Appearance of the Defendant, but not else, and Endorsing and Filing the same.	46
For Recording the Appraisment of Goods attached and condemned, and Endorse and File.	46
For Entering an Appeal from the Court's Judgment.	15
For an Appeal Bond.	20
For Acknowledging and Recording thereof, and all Fees incident.	60
For a Commission to examine Witnesses.	50
For a <i>Subpœna</i> to Answer in <i>Chancery</i> .	20
For a Bill, Answer, Demurrer, &c. in <i>Chancery</i> .	40
For Orders and Decrees in <i>Chancery</i> , and all other Proceedings, as for the like at Common Law.	

1778.

	<i>l. To.</i>
For a Search of any Business not depending in Court and being above a Year's standing. }	10
For Recording the written Pleadings in the making up of the Judgments in any Suit, the like Fees as for the Pleas themselves.	
For a Recognizance in Court.	20
For a Copy of any Thing not herein particularly assessed, the same Fee as for the Thing it self, or Recording it.	
For a Certificate of a Right or Rights for Land upon a County-Court Certificate produced, and Entering the Right in a Book for that purpose. }	15
For Proving a Right or Rights for Land, and all Fees incident. }	20
For Recording an Escheat Warrant, and Filing it.	42
For Recording the Inquisition, and filing and endorsing it. }	42
For a <i>Scire facias</i> .	20
For endorsing and filing the old Order.	6
If there be a Petition, the same as for other Petitions or Declarations.	
For a Petition to the Governour and Council for a <i>Superfedeas</i> , and Filing and Endorsing it.	21
For Endorsing and Filing the County-Court's Orders.	6
For the Writ of <i>Superfedeas</i> .	20
And for the other Proceedings as in an Action.	
When a Record is wanted in the Tryal of any Cause, and there is not time to write a Copy of it, half the Fee as for a Copy, bringing it into Court, finding and reading it.	
For Recording a Certificate of a Probate, or Administration from the County-Court. }	40
For a Copy of a Law.	50
For a Certificate.	15

Secretary's Fees chargeable on the particular Counties.

	<i>l. To.</i>
For a Commission of the Peace.	50
For a <i>Dedimus</i> to swear the Justices.	50
	For

1718.		<i>l. To.</i>
	For Recording the Commission of the Peace.	30
	For Recording the <i>Dedimus</i> .	30
	For a standing <i>Dedimus</i> , to administer the Oaths of Fidelity.	50
	For a Commission of Oyer and Terminer on Criminal Slaves.	50
	For a <i>Dedimus</i> to swear the Commissioners.	50
	For a Writ for Election of Burgeses.	350

If from the Records returned from any County-Court, a Copy of the County-court's Order, Declaration, &c. be demanded, the same Fee to be paid for it, as for such Things in the General Court.

A Table of Fees of the Clerks of the County Courts, for the several particular Articles herein after expressed, chargeable to the Persons obtaining the same.

	<i>l. To.</i>
For an Action, and Proceedings thereupon Action.	8
If no further Proceedings in the said Action, then	
For Entering Order for Dismission.	4
But if the Action be further proceeded in, then	
For Action.	8
For Declaration or Petition, if wrote by the Clerk.	10
If not written by the Clerk.	5
For Entering of the Declaration, or Petition.	3
For Endorsing and Filing of the Declaration both.	3
For Entry of the Order.	8
And if the Action be continued to another Court, then,	
For Entering Reference upon the Docket.	5
For Entering of the Order of that Court.	8
For Endorsing of the Court's Order on the Declaration or Plea, as the Case is.	3
And so every Court, the said Action shall be continued, called, and an Order made therein.	
For Returning upon the Docket.	5
	For

	<i>l. To.</i>	
For Entring the Order.	8	1718.
For Endorsing the Order upon the Declaration or Plea.	3	
And if in Tryal of the Action any Evidences be made use of, then		
For every Oath taken in Court, <i>viva voce</i> , or for the Oath of the Plaintiff or Defendant.	5	
For entry of the <i>Subpœna</i> of every Witness.	10	
And if a Deposition be taken in Writing, if the Clerk write it,	3	
For that Deposition, no more than	10	
And if the Clerk does not write it, then	3	
For the endorsing and filing that Deposition, both	5	
And if the Party requires that Deposition to be recorded,		
For Recording the said Deposition, but not otherwise.	10	
And if any Pleas, Replications, Rejoinders, Surrejoinders, Rebutters, and Surrebutters be made in Writing ;		
For every such Plea, Replication, Rejoinder, Surrejoinder, Rebutter, and Surrebutter, if the same be wrote by the Clerk.	10	
If not written by the Clerk.	5	
For Entring each of the same.	3	
For endorsing and filing each of the same.	3	
And if a Jury be made use of in the Action,		
For recording a Pannel of the Jury, and their Oaths.	10	
For recording the Verdict of the Jury.	10	
And if in the Action there be a Survey of Land,		
For recording the Report of the Surveyor, and for endorsing and filing the same, if desired.	20	
For recording the Report of the Jury, endorsing and filing.	20	
And if in the Action there be a Report of Auditors,		
For recording the Report of the Auditors, and endorsing and filing the same.	20	
And for all Papers made use of in the Trial of the Action, as Bill, Bond, Account, &c. which are filed with the Declaration ;		
For endorsing and filing each Paper.	3	

Appeals.

l. To.

1718

And if upon Judgment there be an Appeal to the General Court,	
For Order and Copy of the Appeal.	16
For Order and Copy of the Security.	16
For the Bond.	10
For Recording the Bond where 'tis desired, and not otherwise.	10
For Recording Acknowledgment of the Bond, if desired, and not otherwise.	10
For Returning the Appeal and Security to the Secretary's Office.	30
And if upon any Appeal, any Clerk return to the Secretary's Office any more of the Proceedings of the County-court, as Copies of Orders, Declarations, or Pleadings, than the Judgment from which the Appeal is made, he shall demand no Fee for the same.	
But if the Plaintiff or Defendant demand any Copies for their particular Use, the Clerk shall have for them according as is set down in this Act.	
And if either Plaintiff or Defendant in the Trial of an Action, employ one or more Attorney or Attornies, then	
For Entering every such Attorney upon the Docket, once for one Cause, and no more.	5
And if a Warrant of Attorney in Writing, then	
For Recording the said Warrant.	5
For Endorsing and Filing the Warrant, both.	3
And if an Execution be had upon a Judgment For a judicial Writ.	15
For Entering the Time of Issuing the Execution on the Margent of the Record.	3
For Recording the Return of an Execution.	10
Although not returned, because it is the Sheriff's, or the Party's Duty to make Return.	
For an Attachment and Proceedings thereon, more than there is in an Action.	

If

l. To.

1718.

If upon an Action brought, an Attachment be granted, the Fees of the Action to be in all Points as is before set down for the Action; and besides that, if the Order for the Attachment be proceeded in.

For a Copy of the Order. 8

For Attachment thereupon. 15

And the next Court, if the Attachment be returned and executed, but not else.

For Returning the Attachment. 5

For Recording the Return. 15

For Endorsing and Filing the Attachment, both. 3

And if an Appraiser be ordered,

For Order and Copy appointing Appraisers, and Justice to swear them. } 16

For Recording the Appraiser's Report. 15

For Endorsing and Filing the same, both. 3

And if an Attachment be granted by a Justice of the Peace, and is returned executed to Court,

For Entering the Attachment upon the Docket. 5

For the Petition or Declaration, if wrote by the Clerk. 10

If not written by the Clerk. 5

For Endorsing and Filing the Petition, both. 3

For Entering the Petition. 3

For Recording the Return of the Attachment. 15

For Endorsing and Filing the Attachment, both. 3

For Entering the Judgment. 8

And so on as in other Attachments; for Appraisements, &c. if any, and for continuance from Court to Court, as for like continuance upon Actions.

For a Suit in Chancery, the Fees to be in all Points as is set down for the Action, except that for a Bill of Chancery. } 20

For Petitions, Complaints in Writing, or Informations, (except of Constables, Surveyors of the Highways, Grand-Jury, and Others, which relate to the County Service, if a Petition, Complaint, or Information, for or concerning any Matter or Thing.

For the Petition, if wrote by the Clerk. 10

If not written by the Clerk. 5

Entry of the Petition. 5

L 2

Endorsing

1718.

Endorsing and filing the Petition.

For Enting Order thereupon.

And if the said Petition be referred to another Court, then the Charge for Returning, and other Proceedings thereupon from Court to Court, as for an Action.

For a *Scire Facias*,

And for all other Proceedings thereupon, as for an Action.

l. To.

3
8

10

Deeds and Conveyances.

l. To.

If a Deed be acknowledged or proved for Land,

For the Order.

For Recording the Deed.

For Acknowledgment, recording the Acknowledgment, and endorsing the same upon the Deed. }

And if a Deed be Lease and Release acknowledged,

For the Order for recording the Deed.

For recording Lease.

For Acknowledgment, recording Acknowledgment, and endorsing the same on Release. }

For recording Release.

For Acknowledgment, recording Acknowledgment, and endorsing the same on Release. }

And if a Bond be acknowledged for Performance of Covenants,

For Order for recording Bond.

For recording Bond.

For recording Acknowledgment, and endorsing Acknowledgment upon Bond. }

And if a Deed be for any personal Matter acknowledged,

For Order.

For recording the Deed.

For Acknowledgment, recording Acknowledgment, and endorsing the Acknowledgment upon the Deed. }

And for Relinquishment of Dower,

For Order.

For recording Relinquishment of Dower.

Order for recording Livery and Seisin.

8

30

25

8

30

25

30

25

8

20

10

8

20

10

8

15

8

For

For Recording the Livery and Seisin, with incident Fees. } *l. To.* 20

Letters of Attorney, and other Deeds proved.

For Proving and Recording a Letter of Attorney, or any other Deed, whether the same be done by one or two, or more Witnesses, and for all Fees incident thereunto. } *l. To.* 40

Probates.

For Probate of a Will, and for all Fees incident thereunto, if the Estate exceed not Ten Pounds, or Two Thousand Pounds of Tobacco, upon lawful Appraisement. } *l. To.* 50

For such Probate, and all Fees incident thereunto, if the Estate exceed Ten Pounds, or Two Thousand Pounds of Tobacco; and be not above fifty Pounds, or Ten Thousand Pounds of Tobacco, upon lawful Appraisement.. } 150

For such Probate, and all Fees incident thereunto, if the Estate exceeds fifty Pounds, or ten Thousand Pounds of Tobacco, upon lawful Appraisement. } 250

And for every Probate, and all Fees incident thereunto, where the Executor doth not within Six Months after the Probate bring in an Inventory and Valuation of his Testator's Estate. } 250

Administrations.

For a Commission of Administration, and for all Fees incident thereunto, upon an Estate not exceeding the Value of Ten Pounds, or Two Thousand Pounds of Tobacco, upon lawful Appraisement. } *l. To.* 50

For a Commission of Administration, and for all Fees incident thereto, if the Estate exceed Ten Pounds, or two Thousand Pounds of Tobacco, upon lawful Appraisement, and do not exceed fifty Pounds, or Ten Thousand Pounds of Tobacco. } 150

1718.

For a Commission of Administration, and for all Fees incident thereunto, if the Estate exceeds Fifty Pounds, or Ten Thousand Pounds of Tobacco, upon lawful Appraisement.

l. To.

250

Administrations, with the Will annexed.

l. To.

For a Commission of Administration, with the Will annexed, and for all Fees incident thereunto, if the Estate exceed not Ten Pounds, or Two Thousand Pounds of Tobacco, on lawful Appraisement.

50

For such Commission of Administration, with the Will annexed, and for all Fees incident thereunto, if the Estate exceed Ten Pounds, or Two Thousand Pounds of Tobacco; and do not exceed Fifty Pounds, or Ten Thousand Pounds of Tobacco, upon lawful Appraisement.

150

For such Commission of Administration, and for all Fees incident thereunto, if the Estate exceeds fifty Pounds, or Ten Thousand Pounds of Tobacco, upon lawful Appraisement.

250

For a Codicil Proving, Recording, and all other Fees relating thereunto upon an Estate.

50

For a Marriage License, and all Fees incident to it

50

For Proving Rights for Land Certificate, Issuing Certificate, and all Fees incident.

13

For a Bill of Costs.

3

For a Copy of the Laws of one Session of Assembly, if required by the Justices, or any other.

150

For a Copy of an Inventory and Appraisement.

30

For a Copy of a Will, and Certificate of a Probate thereupon.

30

For a Copy of an Order of Court.

8

For a Copy of a Deed for Land, and Certificate of the Acknowledgment.

30

For a Copy of a Plea, Petition, Replication, &c. each.

10

And for all other Copies not in this Table enumerated, so much as is given by this Act for Entering or Recording the Thing.

And

And if a Copy be required of any Thing above a Year old, for the Search, besides paying for the Copy.	l. To.	1718.
And if no Copy be had, or the Thing be not to be found, then only for the Search:	5	
If a Servant be brought to be judged, for Recording his Age, and the Order of Court.	18	
For a Copy of the same.	8	
For Recording Acknowledgment for Satisfaction of a Judgment.	10	
For a <i>Caveat</i> .	5	
For a <i>Dedimus</i> .	25	
For Attendance at a <i>Dedimus</i> , and all Fees incident, as <i>Subpœna</i> 's, taking Depositions, &c. if required to attend.	100	
For attending at Appraisements, Out cries, or taking Inventories,		
If the Clerk be required to give his Attendance, but not else, for every Days Attendance.	100	
For a Certificate of a publick Claim, above the Value of One Hundred Pounds of Tobacco.	20	
For Certificate of another Nature.	10	
If upon the Motion of any Person, any Paper or Papers be desired to be recorded,		
Order for Recording.	8	
For each Paper recorded.	20	
For Publishing any Person's Departure at the Court-House Door, giving a Certificate to the Secretary as usual, for a Pass, and all other Fees incident.	18	
For a private Court's Attendance, except Orphans Court.	200	
For a Copy of a single Law.	40	
For a Copy of a List of Titheables, taken by a Justice in his Permit.	20	
For an Ordinary License, with the usual Fees for the Petition, Bond, &c. for it.	50	
For a Copy of the List of Rates of Liquors, &c.	15	
When a Record is wanting in the Trial of any Cause, and there is not any time to write a Copy of it, half the Fee is for a Copy for bringing it into Court, finding and reading it.		

1718.

For a Copy of any Thing not herein particularly
assessed, the same Fee as for the Thing it self,
or Recording it.

For the Clerk of any County-Court, for his Ser-
vice for making Entries, and issuing Copies of
Orders, for appointing Surveyors of the High-
ways, Constables, Grand-Jurymen, and for tak-
ing Lists of Titheables, for binding out poor
Orphans, and chusing Guardians, and other
publick County-Services to be levied annually
by the Justices on the County.

And for Cask.

l. To.

1000

80

A Table of Sheriff's Fees.

l. To.

For Serving any Person with an Order of Court,
and making Return. } 15

For Pilloring any Person. } 20

For Putting into the Stocks. } 10

For Ducking any Person. } 20

For an Arrest and Bond. } 20

For *non est inventus* returned. } 10

For putting into Prison and Release. } 20

For Serving a *Subpœna* to answer in *Chancery*, and
Copy. } 15

For Serving a *Subpœna* for an Evidence in any
Cause depending, except summoned in Court. } 10

For Summoning an Appraiser, Auditor, Viewer, or
Evidence to any Deed, Will, or Writing, if re-
quired to be summoned, but not else. } 10

For Summoning and Impannelling a Jury in every
Cause, where a Jury shall be sworn. } 50

For going to *Williamsburgh* for a Commission,
Oyer and *Terminer*, for each Mile three Pounds
of Tobacco, and Returning, besides Ferriages.

For Summoning the Court, and attending. } 200

For Executing all condemned Persons, and all Fees
incident. } 250

For Summoning a Jury of *Escheat*, Survey, Writ
of Dower, Partition, Enquiry of Damages in the
Country, and not at Court, if the Jury appear. } 150

For making Return of a Writ of Dower or Partition. } 50
For

For returning <i>Devastavit</i> .	l. To.	10	1718.
For every Day's Attendance upon a Jury in the County, after they are sworn to try, the Issue join'd.	}	50	
For selling a Servant at Out-cry by Order of Court, and all Fees incident thereunto.	}	20	
For making Proclamation as the law directs in proving of Wills at the Common Law, or in proceeding to Outlawry.	}	20	
For serving Executions for any Debt due in Tobacco, five <i>per Cent.</i> for the first 1000 <i>l.</i> and Two <i>per Cent.</i> for all above 1000 <i>l.</i>			
For serving Execution for any Debt due in Money, five <i>per Cent.</i> for the first 100 <i>l.</i> and Two <i>per Cent.</i> for all above 100 <i>l.</i>			
For serving a Writ of <i>habere facias Sezinam</i> , or <i>habere facias Possessionem</i> .	}	50	
For serving an Attachment upon the Body and Bond.		20	
For serving an Attachment on Goods where they shall be appraised and delivered to the Plaintiff, the same Fees as on Executions,			
But were not Appraised.		15	
For serving and returning a general Court Writ, Summons, or Order.	}	30	
For keeping and providing for a Person in Goal each Day.	}	10	
For serving a Warrant.		10	
For summoning a Witness.		5	
For all publick Services, <i>viz.</i> for Attending at the Orphans Courts, Courts of Claims and Grievances, Impannelling Grand Juries, Publication and Attendance of the Writ for Burgeffes, serving all publick Orders of Court, and all other Publick and County Services to be levied annually on the County by the Justices.		1000	
And for Cask.		80	

A Table of Coroner's Fees.

For taking an Inquisition on a dead Body.	l. To.	133.	For
---	--------	------	-----

1718.

For all other Services done by him, the like Fees as are given to Sheriffs for the same Services.

l. To.

A Table of Constables Fees.

For Serving a Warrant.	10
For Summoning a Witness.	5
For Summoning a Coroner's Jury and Witnesses } necessary.	50
For Putting in the Stocks.	10
For Whipping.	20

l. To.

If any Officer take any more Fees, or greater Fee for any Thing within the Purview of this Act, he shall forfeit to the Party injured Two Thousand Pounds of Tobacco and Costs, by Action of Debt, Bill, Plaint, or Information, &c. provided Prosecution be within eighteen Months after Cause of Action.

SHERIFF to be answerable for all Fees charged by this Act, if signed by the proper Officer, and put into his Hands at, or before the County Levy laid, abating Ten per Cent. for his Trouble. provided the Party charged have visible personal Estate sufficient in the County, over and above the Levies and Quitrents then due.

Provided also, THAT if for want of Tobacco the Sheriff make other Distress, the Party claiming shall take the Species distrained according to the Valuation, by two Housekeepers upon Oath, before the Sheriff or his Deputy.

An Act for granting One Thousand Pounds out of the Publick Fund, for the Maintaining and Educating of Scholars, at the College of William and Mary.

C. 3. ONE Thousand Pounds out of the Fund in the Hands
see transfer of of Colonel Peter Beverly Treasurer, is given to the Vifi-
the college. pa. tors and Governours to be by them laid out for the Main-
97. a recital of taining and Educating such and so many of the Ingenious
the substance of Scholars, Natives of this Colony, as they shall think fit.
this act.

Provided,

Provided, THAT distinct Accounts of this Benefaction be kept and ready always for the Inspection of the General Assembly, or their Order.

An Act to impower Henry Beverly and others, to build a Bridge over the Dragon Swamp.

c. 2.

An Act for Erecting the Counties of Spotsylvania and Brunswick, and granting certain Exemptions and Benefits to the Inhabitants thereof.

nov. 2.

1720.

Preamble, THAT the Frontiers towards the High Mountains are exposed to Danger from the *Indians*, and the late Settlements of the *French* to the Westward of the said Mountains.

c. 3.

Enacted, SPOTSYLVANIA County bounds upon *Snow Creek* up to the Mill, thence by a South-West Line to the River *North-Anna*, thence up the said River as far as convenient, and thence by a Line to be run over the High Mountains to the River on the North-West side thereof, so as to include the Northern Passage thro' the said Mountains, thence down the said River untill it comes against the Head of *Rappahanock*, thence by a Line to the Head of *Rappahanock* River, and down that River to the Mouth of *Snow Creek*. Which Tract of Land from the first of *May* 1721. shall become a County, by the Name of *Spotsylvania* County.

BRUNSWICK County, begins on the Southside the River *Roanoke*, at the Place where the Line lately run for ascertaining the uncontroverted Bounds of this Colony towards *North Carolina*, intersects the said River *Roanoke*, and to be bounded by the Direction of the Governour with Consent of Council, so as to include the Southern Pass. Which Land from and after the time that it shall be laid off and bounded, shall become a County by the Name of *Brunswick* County.

THAT fifteen Hundred Pounds Current Money of *Virginia* be paid by the Treasurer, to the Governour to these Uses, *viz.*

FIVE Hundred Pounds for a Church, Court-house, Prison, Pillory and Stocks, where the Governour shall appoint them in the County of *Spotsylvania*, and the Governour to imploy Workmen, provide Materials, &c.

One

1720.

ONE Thousand Pounds to be distributed in Arms and Ammunition, among such Persons as shall hereafter go to seat the said Counties, that is, to each Christian Titheable, one Firelock, Musket, one Socket, Bayonet fitted thereto, one Cartouch Box, eight Pounds Bullet, two Pounds Powder, untill the whole One Thousand Pounds be laid out. The Account whereof is to be desired to be laid before the general Assembly.

THOSE Arms are appropriate to the Defence of the said Counties, and the Land as well as Personal Estate of the Parties that take them, is made liable to see them forth coming in good Order.

THE Arms to be stampd with the Name of the County, and liable to the Seizure of any Militia Officer if found without the Bounds.

THAT five Hundred Pounds more be paid by the Treasurer to *Nathaniel Harrison, Esq; Jonathan Allen, Henry Harrison, and William Edwards*, Gentlemen, or the Survivors of them, or in case of their Refusal to such others as the Governour shall name to make up the like Number, to be by them laid out for a Church, Court-house, Prison, Pillory, and Stocks, where they shall think fit in the County of *Brunswick*, and are required to account to the General Assembly.

INHABITANTS of the said Counties are made free of publick Levies for ten Years, from the first of May 1721.

THE whole County of *Spotsylvania* made one Parish by the Name of *St. George*; and that of *Brunswick* one, by the Name of *St. Andrew*.

BECAUSE Foreign Protestants may not understand English readily, if any such shall entertain a Minister of their own, they and their Titheables shall be free for ten Years, from the said first of May 1721.

UNTIL the Governour shall settle a Court in *Spotsylvania*, the Justices of the several Counties of *Essex, King and Queen*, and *King William* take Power over them by their Warrants, and the Clerks of the said Courts by their Process returnable to their said Courts, in the same manner as before the said County was constituted, directing the Process always to the Sheriff. And the Court of *Prince George* County has the same Power in *Brunswick*: But the Sheriff of *Prince George* to have double Fees.

COURT Day of *Spotsylvania* is the first *Tuesday* of the Month, and *Brunswick* the first *Thursday*.

. 1720.

An Act for the better Discovery and Securing of His Majesty's Quitrents.

EVERY Sheriff, at *November* Court yearly, is to divide his County into Precincts, appoint and publickly certify one Place in each Precinct, which shall not exceed Ten Miles in Distance from the House of any Inhabitant of that Precinct, and set the Times of his Attendance there before the 20th of *February* annually.

c.2.

To these Places the People are to bring their Quitrents either in current Money or Tobacco, at one Penny per Pound. If the Sheriff don't do the People Justice by these Appointments, the County-courts are to direct and order others. And if the People fail, the Sheriff makes Distress and Sale for Satisfaction of the Quitrents.

Proviso, THE People may pay the Sheriff or Receiver General in Money at any Time or Place, before the said 20th of *February* yearly.

Proviso, WHERE the Frontier Settlements are too thin, they must carry their Tobacco into the next District.

THE Sheriff or Collector to be answerable for all Quitrents, if sufficient Distress can be had upon the Lands liable, and to pay the sweet-scented Tobacco in Hogsheads of Seven Hundred nett, and the *Aranoko* Six Hundred nett. Pay the Money to the Receiver General before the 25th of *April*, and the Tobacco after that Time upon Demand.

IF the Tobacco shall not be demanded before the last of *June*, the Sheriff or Collector may make Tender thereof, in such Manner as Tenders of Tobacco Debts are by Law to be made.

IF the Sheriff returns that no Distress can be had in his County, and that the Proprietor lives not in his County, but some other, the Officers of the Revenue shall certify the same to the Sheriff or Collector of that other County, where such Proprietor shall dwell, who shall Demand the same with Arrears, and may make Distress accordingly.

IF the Proprietor lives out of the Colony, and no Distress is to be had, the Sheriff or Collector is to notify this to his Attorney if any known; if none, then to publish
Notice

Notice at the Court-house of the County wherein the Lands lie, five several County-court Days, and the Officers of the Revenue shall cause Notice to the Effect aforesaid, by affixing the same at the usual Place within the general Court-house, during three general Courts. And if after such Notice, the Quitrents shall be in Arrear, and unpaid, such Land shall pay double Quitrents for all the Time they shall be in Arrear and unpaid, which may also be levied by Distress.

ALL Persons who, after the Commencement of this Act, shall conceal any Part of their Land, shall pay double Quitrents for all Land so concealed.

FOR better Discovery of such Persons, the Moiety of such double Quitrents is given to the Person discovering such Concealment. Which may be recover'd with Costs, by Action of Debt, Bill, Complaint, or Information, &c.

UPON Distress, the Goods to be kept eight Days, unless the Person distrain'd give Security to produce the same at the Sale, which shall be at the eight Days End, unless the Quitrents and Charges of Distress shall in that Time be paid.

NOTICE of such Distress and Sale shall be given on the Day of the Distress, and affixed at the Place of the intended Sale, and on the Door of the nearest Church or Chapel to the Place of Distress, and then upon Sale, the Officers to pay themselves all Arrears, Charges, &c.

AFTER the Commencement of this Act, no Lands to be forfeited for Non-payment of Quitrents, notwithstanding a Proviso in the Patent, or any other Law whatsoever.

Proviso, THE Execution of this Act suspended until his Majesty's Pleasure be known therein.

An Act Explaining and further Declaring what shall be accounted a sufficient Seating and Improvement to save Lands from lapsing, and for the better Recovery of Lands lapsed from Persons living out of the Country.

BESIDE the Cultivations by the former Act, It is declared, That in fencing and clearing Pasture Ground, three Acres shall save Fifty, if used for three Years.

BUILDING, planting Trees and quickset Hedges, or any other Improvements, shall save Fifty Acres, for every Ten Pounds Value of the Improvements and *pro rato*.

1720.

UPON Application, the County-Courts are to order the Buildings, Works and Improvements to be valued by two or more Men upon Oath, with Regard to the Account of Expences. And such Valuation shall be recorded and taken for Proof.

Proviso, THE several Kinds of Buildings and Improvements shall be specially mentioned, and on what Part of the Land the same are, and Oath be made in Court by the Proprietor or his Attorney, Steward, or Overseer, that none of the said Buildings, Works and Improvements, have been before valued and recorded in Order to saving any of the said Lands.

IF two Tracts shall be join'd in one Patent, the Improvements upon either may be extended to the other, and shall be taken to extend towards saving the whole in Proportion.

Proviso, NOT to oblige further Seatments upon Grants formerly made, than was then required.

LANDS Seated before Petition preferr'd, declared as good as if within the Words of the Grant.

UPON Petition for Land as lapsed, where Part shall be saved, the Patentee shall reserve to himself in Proportion to his Cultivations, and allot the Residue where he pleases in one intire Piece.

IF the Person against whom a Petition for Lapseland shall be exhibited, shall not be resident in this Colony, the Summons shall be served upon his Attorney, and if none such, then a Copy of the Summons shall be fixed at the Door of the Court-house of the County wherein the Land lies five several Court-days, and in the Court-house of the Capitol three general Courts: And thereafter such Proceedings shall be had upon such Petition, as if the Person against whom, &c. had been personally served with the Summons.

An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.

A SHERIFF refusing the Office, Fined Three Thousand Pound of Tobacco of the County Growth.

c. 4.

IF

An ABRIDGMENT of

IF a Sheriff dies in his Year, the Governour may commissionate any that were recommended with him, and if none such, then any other in the Commission of Peace. And if they refuse the Office, they are subject to the like Penalty of Three Thousand Pounds of Tobacco.

THE Fines are to the King, and may be recovered with Costs, by Action of Debt, Bill, Plaint, or Information.

Proviso, WHEN a Person shall have once fined for Sheriff, he shall afterwards be free of the like, till it have gone through the Commission of Peace to be Sheriffs or fined.

Also, IF any Person appointed is willing to stand Sheriff, but cannot find Security according to Act, he shall make Oath in Court that he hath used his best Indeavours, truly and *bonâ fide*, without any Covin or Collusion to get Security, and cannot ; and then shall be excused the Fine.

THIS Act to continue three Years, and thence to the End of the next Session of Assembly.

An Act for the more effectual preventing the Tending of Seconds.

c. S.

Enacted, THAT from and after the Publication of this Act, whoever shall weed, top, sucker, house, cure, strip, or pack, any Suckers, Seconds, or Slips of Tobacco, or cause or suffer the same to be done in or upon any Plantation, shall for every such Offence forfeit and pay, over and above Fines of the former Law, the further Sum of Five Hundred Pounds of Tobacco for every Person above the Age of seven Years, who shall dwell or reside, or be imployed on the said Plantation that Year.

THAT the Master or Owner of every Plantation cause to be cut up and destroyed all Stalks, Roots and Suckers, from which any Plant shall be cut in every Year, within twenty Days after the cutting of the Plant : On Penalty of Two Hundred Pounds of Tobacco for every Person above the Age of seven Years, who shall dwell, reside, or work on such Plantation.

Proviso, WHERE a Plantation and Servants shall be intrusted to an Overseer being a Freeman, there the Overseer is liable instead of the Master in case of both the said Fines.

HALF the said Fines to be to the King, &c. for Support of the Government, and the other Half to the Informer

former, to be recover'd with Costs, by Action of Debt, Bill, Plaint, or Information.

THE Sheriff to publish this Act at Court every *June* and *July*, under Five Hundred Pounds of Tobacco Fine as aforesaid.

An Act giving a Reward for killing of Wolves, and Repealing all other Acts relating thereto.

ALL Persons, except *Indians* not tributary to *Virginia*, shall have for a Wolf's Head old or young, Two Hundred Pounds of Tobacco, which shall be first levied on the County where the Wolf is kill'd, and repaid by the Country at the next publick Levy.

THE Persons claiming the Reward, are to carry the Head to a Justice of the County wherein the Wolf was kill'd, and make Proof by some Person present at the killing, how, when and where every Wolf was kill'd or destroy'd, and take from such Justice a Certificate thereof to the County-court, and produce the same at the County-Levy, or the Reward shall not be allowed.

THE Justice to grant Certificate, and to admit as due Proof on Oath or solemn Affirmation, or if the Party be under the Age of fourteen Years, or not a Christian, any other Evidence, Testimony or Circumstance, in his Discretion probable and convincing. And then to cut off the Ears of the Wolf.

CLERK of the Court in allowing the Claim, shall particularly mention the Name and Sirname of the Person allowed in the County Levy, and the Name and Sirname of the Justice granting the Certificate. And return a true Copy of the said Levy to the general Assembly.

An Act for Explaining and Amending an Act entitled, An Act for appointing Rolling Houses and publick Landings, and ascertaining the Prices of Storage.

WHERE the County-courts find any Rolling Houses in their County at inconvenient Distance for taking Goods ashore, as well as lodging Tobacco, they have Power to put down the said Rolling Houses, and order or grant new

1720.

ones to be built convenient to the Landings, to answer the Benefits of both. In which case the said Courts are invested with all the Powers, Privileges and Authorities of coming at the Land, and setting up Rolling and Store-houses, as are granted in like Cases by the former Act.

AFTER any Rolling-house, shall by any County-court be declared to be put down or laid aside, no Tobacco shall be accounted convenient, which shall thereafter be lodged therein, nor any Fee demandable for Storage thereof.

EACH Owner or Keeper of a Store-house, shall keep at, or near such House a capable Person who shall always take in such Tobacco, Goods, and Merchandizes, as shall be brought thither, and preserve the same, or be liable to make good the Damages, which shall happen to the said Tobacco, Goods, and Merchandizes, as by the said former Act is directed.

THE Price of Storage for Salt, and other such like unpack'd Commodities is rated as the Storage before for Grain.

An Act for settling new Ferries over Pammunky, Matapony, and Patowmeck Rivers, and for ascertaining the Rates of Ferriage for Wheel Carriages.

c. 8.

New Ferries appointed on Pammunky River.

From Robert Kings : The Price for a Man	d.	d.
From Sweethall to the Mouth of Tanks	3	a Horse 3
Queens Creek, on either side thereof.	6	6

On Matapony River.

From Samuel Norments	3	3
And for each Hogsheaf of Tobacco	6	

From William Whites	3	3
And for each Hogsheaf of Tobacco	6	

On Patowmeck River.

From Col. Ricettoes to Cedar Point in Maryland	24	24
--	----	----

THE Licenses for keeping the said Ferries shall be obtain'd after such Manner, and the Keepers thereof under such Regulations, Advantages, and Restrictions as are mention'd, prescribed, and comprized in the former Ferry Law.

THE County-courts if they think necessary may appoint Boats to be kept proper for Transportation of Coaches, &c. and then the Price demandable is for four Wheel Carriages, the same as for six Horses, and for two Wheel Chaises, the same as for four Horses.

THE following Address being a Transaction of the last Session of Assembly, in order to secure our Frontiers towards the *French* and *Indians*, when such Incouragements were given by a Law to seat towards the two Passes of the High Mountains; and which we have firm Hopes will be granted in all Respects by his Majesty, makes it necessary at this Time to be annexed to the Laws of the same Session.

To the King's most Excellent Majesty.

The humble Address of the Council and Burgesses of Virginia.

May it please your Majesty,

WE your Majesty's most dutiful and loyal Subjects, the Council and Burgesses of this your most Ancient Colony, being now met in Assembly, and having with great Attention deliberated on the Circumstances of our Country, and considered as well how to extend your Empire in these Parts, as to secure our present Settlements from the Incursions of the Savage *Indians*, and from the more dangerous Incroachments of the Neighbouring *French*; do with all Submission to your Royal Wisdom beg leave to lay before your Majesty the present Situation of this Colony, and the Means whereby we humbly conceive it may at this Time be better secured and improved.

To the Westward of *Virginia*. about forty Miles distant from some of our remotest Settlements, there runs a Ridge or continued Chain of exceeding High Mountains, which

extend all along on the Back of this and the next Province of *Carolina*, and must certainly prove an Extraordinary Safeguard to these Colonies, whenever our Plantations shall reach so far as to get Possession of the few difficult Passes, which according to the best Discoveries we have hitherto been able to make, appear to be no more than two thro' that Ridge. On the other Hand, in case the *French* who are carrying on dangerous Projects, not very far beyond these Mountains, should be before-hand with your Majesty's Subjects, and possess those Passes; That Nation would then not only secure their Communication between the Rivers, *St. Lawrence* and *Mississippi*, but would be in Condition by keeping the Key of this Barrier to annoy your Majesty's Subjects on this Side, whenever they think fit.

THIS Apprehension awakens us to give all Incouragement suitable to our poor Abilities, for the speedy Seating that Tract of Land which lies untaken up, between our present Settlements and those two Passes in the High Mountains. For that End, we have now erected two new Counties, the one on *Rappa*. River, leading up to the Northern Pass, and others on *Roanoke*, leading to that on the South.

To incourage People to go up and Seat these two Counties, we have exempted the Inhabitants thereof from publick Taxes for the Space of Ten Years: We have agreed to build them Churches and Court-houses, and to furnish them with Arms and Ammunition at the publick Charge. But what we humbly presume would still be a greater Inducement to many of your Majesty's Subjects, to go up and settle this new Frontier, would be your Royal Favour of Remitting all the Quitrents of these two Counties for Ten Years, and exempting the Takers up of Land from the Five Shillings which they are by Order of this Government obliged to pay, for every Fifty Acres of Land that they enter for. And this Bounty we are the more incouraged to beg, because we are fully persuaded that in a few Years it will prove a considerable augmentation of your Majesty's Revenue here.

AND for the more effectual Security of this your Majesty's Dominion, and to render the proposed Barrier more defensible, We humbly beg your Majesty will be graciously pleased to give Directions for building a Fort at each of the Passes in the Great Mountains, out of your Revenue
of

of Quitrents in this Colony, and likewise for sending over two Companies of Men in your Majesty's Pay, consisting of fifty Men each, besides Officers, to serve as a Garrison for those Forts, and a constant Guard of our Mountains, under the Order of your Majesty's Governour and Council here.

AND that your Majesty may be more readily induced to extend your Royal Bounty in the Particulars above-mentioned, our Lieutenant Governour Colonel *Spotswood*, will be pleased to intercede with your Majesty in our Favour, who has spared no Fatigue or Expence to visit our Mountains in Person, and to inform himself of the exceeding Importance of them, both for your Majesty's Service, and for the Defence and Security of this Dominion.

December 13.

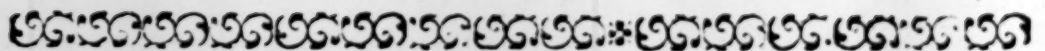
1720.

The End of the Acts of Assembly.





THE PRECEDENTS.



*Judgment before two Commissioners, one being of
the Quorum.*

King and Queen, II.

61 A7.
1661.

A. B. of this County, Planter, came before C. D. and E. E. two Justices of the Peace for the said County, and voluntarily confest and acknowledged himself indebted unto S. R. in the Sum of of Tobacco. to be paid convenient to a Landing. In Witness whereof he hath hereto set his Hand and Seal, the Day of Anno Dom.

*Certified to C. C. T. Clerk
of the said County-Court.*

A. B. Seal.

C. D.
E. F.

A Warrant to appraise stray Horses, Mares, or Cattle.

K. Q. II.

11 A.
1705.

Upon Complaint of A. B. that he hath taken up one Black Horse about fourteen Hands high, branded
and

And hath published the same at the Churches and Court according to Law, and no Owner appears: I do therefore hereby order, that C. D. and E. or any two of them, being first sworn before a Justice of this County, do appraise the same according to the true Value in their Judgment to be sold; and that their Certificate therein be taken for the true Value of the said Horses, Mares, or Cattle. Given under my Hand the Day of
Anno Dom.

Signed by the Justice.

The like is to be done for a Boat taken up a-drift, wherein the Burthen and Built of the Boat must be described, instead of the Stature and Colour in Cattle.

A Warrant to view a Fence upon Trespass done.

K. Q. II.

WHEREAS Complaint is made to me one of His 13 A.
Majesty's Justices of the said County, by A. B. that Beasts 1705.
have broke through his Fence, and done great Damage in his Cornfield, desiring by Warrant to have his Fence viewed according to the Law in that Case provided; I do hereby in His Majesty's Name, order and require C. D. and E. honest House-keepers in the Neighbourhood of the said A. B.'s Cornfield, to go without Delay, and view the said Fence, and to take *Memorandums* of the same, in order to future Evidence in the said Trespass. Given under my Hand the Day of *Anno Dom.*

Signed by the Justice.

A Warrant against one for riding another's Horse, &c.

K. Q. II.

WHEREAS Complaint is made to me one of His 11 A.
Majesty's Justices of the said County, by A. B. that C. D. 1705.
hath taken and rode his Horse on such Day last, whereby he hath incurred the Penalty of fifteen Shillings to the said A. B.

An ABRIDGMENT of

I do therefore hereby, in his Majesty's Name, will and require you to demand and receive fifteen Shillings of the said C. D. for the Use of the said A. B. and on his failing in Payment thereof, to bring him before me, or some other Justice of this County, to shew his Reasons. And you are then to summon to the same time, the Evidences of the said A. B. and make Return of this Warrant. Given under my Hand, the Day of *Anno Dom.*

*To the Sheriff of K. Q. County, or
Deputy, or to Constable.*

A Warrant against Divulgers of False News.

K. Q. ff.

91 A.
1661.

WHEREAS Information is given to me, that A. B. hath forged and divulged false Rumours and Reports, to the great Disturbance of the Peace, &c. particularly that [Here recite the Report.]

THESE are therefore in his Majesty's Name, to will and require you to bring to the said A. B. before me, to find Security for his Appearance at the next Court to be held for this County, to answer the Premisses, and produce his Author, if he hath any. Herein fail not, as also to make due Return of this Warrant. Given under my Hand, the
Day of *Anno Dom.*

*To the Sheriff of K. Q. County
or his Deputy, or to Constable.*

A Mittimus for a Criminal before his Examination in a County-Court.

K. Q. ff.

31 A.
1705.

A. B. Gent. one of his Majesty's Justices of the Peace for King and Queen County, to the Sheriff of the said County, Greeting. I send you herewith the Body of F. T. brought before me, and charged with the felonious Taking of [or whatever else the Crime is, it ought to be specially recited] hereby requiring you in his Majesty's Name immediately to receive the said F. T. and him safely keep in the Goal of the said County, until further Proceedings therein

therein be had at a Meeting of the Court of this County, for further Examination of the said Felony, on the Day of [which Day must be set by him within ten Days, and not less than five] and that you summon the Justices of this County to meet that Day at the Court-House in Order thereto. Given under my Hand and Seal the Day of Anno Dom.

A Recognizance of the Witness to appear and give Evidence in the foregoing Case.

K. Q. ff.

BEFORE *A B. Gent.* one of his Majesty's Justices of the Peace for the said County, cometh *W.* of Planter, and acknowledgeth himself indebted to our Lord the King, in the Sum of Pounds current Money of *Virginia*, to be levied upon the Lands and Tenements, Goods and Chattels, with Condition, that if the said *W.* shall appear at the Court to be holden for this County the Day of and there give in his Evidence concerning Facts, whereof one *F. T.* stands accused, then this Recognizance to be void, otherwise to be and remain in full Force, Power, and Virtue. In Witness whereof the said *W.* hath hereunto set his Hand and Seal the Day of Anno Dom.

*Before me,
The Justice.*

W. Seal.

A Mittimus for sending a Criminal to the County Goal for his Trial, after Examination in the County-Court.

K. Q. ff.

WHEREAS *F. T.* upon Examination at a Court called for 31 *A.* this County the Day of Anno. Dom. 1705. was remanded to Goal in Order for his Trial, for feloniously taking, &c. [Here reciting the true Cause of Commitment.]

THESE are therefore in His Majesty's Name to authorize and require the Sheriff of the said County of

to

to remove the said E. T. from his said Goal according to Law, to the publick Goal at *Williamsburgh*, with Power likewise to impress such and so many Men, Horses, Sloops, and Boats, as shall be necessary in his Passage, for the safe conveying the said Prisoner to the publick Goal aforesaid. Hereby also requiring the Keeper of the said publick Goal immediately to receive the said Prisoner, and him safely keep in his said Goal, until he shall be thence delivered by Order of His Majesty's Laws: Wherein they, as well the Sheriff of the said County, as the Keeper of the said publick Goal, are not to fail in their several Charges, as they will Answer for their Contempt at their Perils. Given under our Hands and Seals the Day of *Anno Dom.*

*Sign'd and Seal'd by two Justices,
one being of the Quorum.*

Mittimus for a Criminal Slave.

K. Q. ff.

9 A.
1705.

A. B. Gent. one of His Majesty's Justices of the Peace for County, to the Sheriff of the said County Greeting. I send you herewith the Body of F. T. Slave of charged before me with the felonious [what the Fact is] hereby in his Majesty's Name requiring you, that immediately you receive the said F. T. and him safely keep in the Goal of your County, untill he shall be thence delivered by due Course of Law. Herein fail not at your Peril. Given under our Hands and Seals the Day of *Anno Dom.*

A Warrant for levying the Fine upon Profane Swearing, Cursing, being Drunk, Absenting from Church, or Breaking the Sabbath.

K. Q. ff.

24 A.
1705.

It being duly proved before me, that S. did [prophanely Swear, or what else it is] on the Day of [which must be within two Months] at the Parish of whereby he hath forfeited five Shillings to the Use of the Poor of the said Parish:

THESE

THESE are therefore in his Majesty's Name to will and require you, to demand and receive of the said S. five Shillings, or fifty Pounds of Tobacco, for the Church-wardens (and your Costs) to the Use of the Poor of the said Parish; and if he fails in present Payment, that you require sufficient Caution for Payment of the same at the Laying of the next Levy for the said Parish; and if he fails in giving such Caution, that you levy the same upon the Goods and Chattels of the said S; and if he fails in offering you such Goods and Chattels, that then you cause him to be stript and tied, and to receive ten Lashes on his bare Back well laid on. Given under my Hand the Day of *Anno Dom.*

This may be directed to the Sheriff, or Constable, &c.

A Warrant to levy the Military Fines, laid by the Court Martial.

K. 2. ff.

A. B. Commander in Chief of County, 20 A.
to the Sheriff of the said County, Greeting: 1705.

FORASMUCH as you have returned to me, that D. S. was required to pay [One Hundred Pounds of Tobacco] in which he was fined by the Court of Field-Officers and Captains, held at the Court-House of this County the Day of October last, for inspecting the Captain's Returns of the Musters, &c, and hath refused to pay the same upon the Order of the said Court: You are therefore hereby required to levy the same by Distress and Sale of the Goods and Chattels of the said D. S. to the Uses appointed by Law, requiring to the said D. S. the Overplus upon such Sale, if there be any. Hereof fail not at your Peril. Given under my Hand the Day of *Anno Dom.*

A Warrant on not attending for clearing the Highways.

K. 2. ff.

WHEREAS Complaint is made to me by S. H. a Surveyor of the Highways in this County, that D. L. be- 32 A.
longing 1705.

belonging to his Precinct, did not attend his Duty on the
Highways the Day of as the said
S. H. had appointed.

THESE are therefore in his Majesty's Name to will and
require you, to command the said D. L. to pay unto the
said S. H. five Shillings current Money, with your Costs:
And on his Failure thereon, to bring him before me [or
some other Justice of this County] to shew his Reasons
for Refusal, if he has any. Herein fail not; also make
due Return hereof. Given under my Hand, &c.

To the Sheriff, &c.
or Constable.

THE like may be against the Surveyor himself for
fifteen Shillings, if his Road be not kept in good
Order; and if they fail in a satisfactory Reason,
then the Judgment must be absolute.

*A Warrant for committing a runaway Servant or
Slave to the Constables, in order to be return'd
to his Master.*

K. Q. M.

40 A.
1705.

A. B. Gent. one of his Majesty's Justices of the Peace
for the said County, to C. D. Constable, and to all other
Constables to whom these Presents shall come Greeting.

I send you herewith one R. S. a Runaway ^{Man-Servant}
^{Woman-Slave}
to M. of the County, taken up by at
hereby in His Majesty's Name requiring you to
receive ^{him} _{her} into your Custody, and give ^{him} _{her} [not ex-
ceeding Thirty nine] Lashes on ^{his} _{her} bare Back well laid
on; under Penalty of forfeiting 200 Pounds of Tobacco
according to Law; which done, you are to deliver ^{him} _{her}
to the next Constable, to be conveyed from Constable to
Constable

Constable, until $\frac{\text{he}}{\text{she}}$ shall be brought Home to $\frac{\text{his}}{\text{her}}$ said Master's House. Given under my Hand the Day of

A Warrant for committing a Runaway, that has cross'd Chesapeak Bay, and is taken up in a County adjoining to the Bay.

K. Q. ff.

A. B. Gent. one of his Majesty's Justices of the Peace for the County of _____ to the Sheriff of the said County Greeting.

I SEND you herewith one R. S. a Runaway $\frac{\text{Man-Servant}}{\text{Woman-Slave}}$ to M. of the County of _____ on the other Side the Bay, taken up by _____ at _____ hereby in his Majesty's Name requiring you to receive $\frac{\text{him}}{\text{her}}$ into your Cu-

stody, and give $\frac{\text{him}}{\text{her}}$ [not exceeding Thirty-nine] Lashes on $\frac{\text{his}}{\text{her}}$ bare Back well laid on; which done, you are to cause $\frac{\text{him}}{\text{her}}$ to be transported cross Chesapeak Bay, and delivered there to some Constable, to be conveyed from Constable to Constable, until $\frac{\text{he}}{\text{she}}$ shall be brought Home to $\frac{\text{his}}{\text{her}}$ Master's House. Given, &c.

Another, when the Runaway has also got up into a County remote from the Bay.

K. Q. ff.

A. B. Gent. one of His Majesty's Justices of the Peace for _____ County, to C. D. Constable; and to all Sheriffs, and other Constables, whom these Presents may concern, Greeting.

I SEND

An ABRIDGMENT of

I SEND you herewith one R. S. a Runaway ^{Man-Servant} Woman-Slave
 to M. of the County of _____ on the other Side the
 Great Bay, taken up here by _____ at _____ hereby
 in His Majesty's Name requiring you to receive ^{him} _{her} into
 your Custody, and give ^{him} _{her} [under Thirty-nine] Lashes on
^{his} _{her} bare Back well laid on; which done, you are to deliver
^{him} _{her} to the next Constable, to be conveyed from Constable
 to Constable, until ^{he} _{she} shall be brought to some Sheriff
 of _____ County on the Bay side, which Sheriff is to
 take and cause R. S. to be transported cross the said
 Bay, and delivered there to some Constable to be conveyed
 from Constable to Constable, until ^{he} _{she} shall be brought
 Home to ^{his} _{her} said Master's House. Given, &c.

*A Warrant for committing a runaway Servant or
 Slave, in Order to be sent to the publick Goal,
 his Owner not being known.*

K. Q. ff.

40 A.
 1705.

A. B. Gent. one of his Majesty's Justices of the Peace
 for the said County, to C. D. Constable, and to all other
 Constables to whom these Presents shall come Greeting.

I SEND you herewith a Runaway ^{Man-Servant} Woman-Slave who
 can or will declare ^{his} _{her} Master's Name; ^{he} _{she} was taken up
 by _____ at _____ hereby in His Majesty's Name
 requiring you to receive ^{him} _{her} into your Custody, and give
 him,

him
her [not exceeding Thirty-nine] Lashes on his
her bare Back
well laid on, under Penalty of forfeiting 200 l. of Tobac-
co according to Law; which done, you are to deliver
him
her to the next Constable, to be conveyed from Con-
stable to Constable, until he
she shall be brought to the Keep-
er of the publick Goal at *Williamsburgh*. Given, &c.

The Constable's Receipt for a Runaway.

Received the Day of Anno Dom.
from C. D. a Runaway Man-Servant
Woman-Slave to M. of
County, committed by Warrant of A. B. Justice of
County. I say received by me

Receipt for a Runaway, whose Master is not known.

Received the Day of Anno Dom.
from C. D. a Runaway Man-Servant
Woman-Slave, whose Master's
Name is not known, and stands committed by Warrant
of A. B. Justice of County, to the publick Goal,
I say received by me

Certificate of a Runaway taken up, and sent Home.

K. Q. ff.

I do hereby certify, That A. B. of County
this Day brought before me a Runaway, named R. Slave
Servant
to of County, which said Slave
Servant he took up
at which in my Judgment is Miles
distant from the said Master's Home, the Place whereof
the

40 A.
1705

the said ^{Slave}
 Servant was kept, Given under my Hand the
 Day of Annoq; Dom.

*Certificate of a Runaway taken up, and sent to the
 publick Goal.*

K. Q. ff.

40. A. I Do hereby certify, That A. B. of County,
 1705. this Day brought before me a ^{Man}
 Woman, said to be a ^{Slave}
 Servant, and Runaway, but either will not or cannot declare ^{his}
 her

Master's Name or Abode; which ^{Man}
 Woman the said A. B.
 took up at Plantation in County: And
 for want of the Master's Name, is sent to the publick Goal
 of Williamsburgh. Given, &c.

*A Warrant upon taking up a runaway Sailor, in
 Order to return him to the Ship.*

K. Q. ff.

8. A. A. B. Gent. one of his Majesty's Justices of the Peace
 1710. for the said County to C. D. Constable, and to all other
 Constables to whom these Presents shall come Greeting.

I SEND you herewith a Runaway Sea-Man called R.
 belonging to the Ship, now Riding at
 in River, whereof is Master he was
 taken up by at I do therefore in his
 Majesty's behalf, hereby require and command you to re-
 ceive the said R. into your Care and Custody, and him
 safely to convey to the next Constable, to be convey'd
 from Constable to Constable, until he shall be brought on
 Board the said Ship or some other Ship, according to the
 Direction of the Law, in Case the said Ship be sail'd out
 of this Country. Given, &c.

Certifi-

Certificate of taking up a runaway Sailor, in Order to the Reward.

K. Q. ff.

I do hereby certify that A. B. of County this 8 A. 1710.
Day brought before me a Runaway Sea-Man named R.
who confess'd himself to belong to the Ship Riding
at, in River whereof is at pre-
sent Master; which said Sea-Man the said A. B. took up
at, which in my Judgment is Miles
from the said Ship's place of Anchorage. Given, &c.

*Certificate for a Wolf's Head, upon Oath or Af-
firmation.*

K. Q. ff.

6 A. 1720.

I do hereby certify that A. B. of County
brought before me a Wolf's-Head, and made Oath
Affirmation
that the same was killed in this County. Given under
my Hand, &c.

Certificate for a Wolf's Head, upon Proof not sworn.

K. Q. ff.

6 A. 1720.

I do hereby certify that A. B. of County
brought before me a Wolf's Head, and gave me sa-
tisfactory Testimony, that the said Wolf was killed by [his
Slave, or a Boy under fourteen Years of Age as the Case
shall be] at in this County. Given, &c.

A Certificate on killing an unmarked Hog.

K. Q. ff.

I do hereby certify that A. B. made Oath before me,
that on the Day of he kill'd an unmark'd
Hog, about the Age of upon his own Land, [or
unpatented Land] and that there were then no mark'd
Hogs in Company with the said Hog, besides his own.
Given under my Hand the Day of

12 A.
1705.

N

Certificate

Certificate of a Cooper sworn, for making Tobacco Hogsheads.

K. Q. ff.

37. A.
1705.

I Do hereby certify that *A. B.* of County hath made Oath before me, that he will not willingly or wittingly set up any Tobacco Hogshead of a larger Size than is allowed by Law, and that he will tare or cause to be tared with a marking Iron, or branding Iron, every Tobacco Hogshead that by him shall be set up with the true Weight thereof, on the Bulge, and Head of the Hogshead, together with the *first* Letter of his proper Name, and Surname. Given under my Hand the Day of
Anno Dom.

Certificate of a Person sworn, that keeps a Servant Cooper for making Tobacco Hogsheads.

K. Q. ff.

37 A.
1705.

I Do hereby certify that *A. B.* of County, hath made Oath before me, that he will not willingly or wittingly suffer or permit any Tobacco Hogshead to be set up of a larger Size, than is allowed by Law, but will use his utmost Endeavour to prevent the same; and also that every Hogshead, which shall be set up by his Servants, shall be tared with a marking Iron, or branding Iron, with the true Weight thereof on the Bulge and Head of the Hogshead, together with the two *first* Letters of his proper Name and Surname. Given, &c.

Certificate by two Justices, in behalf of a Prisoner in Execution, having tendered his whole Estate.

K. Q. ff.

30 A.
1705.

AT request of *A. B.* who, as he saith hath lain three Months in Prison, under Execution for Debt, at the Suit of *C. D.* of County, we do hereby certify that the said *A. B.* hath made Oath before us, that he hath tendered to Sheriff, in whose Custody he is, all his whole Estate, for, and towards the Satisfaction of the said Debt,

Debt, and that he hath no Estate left, either Real or Personal, save only one Suit of Cloaths, not exceeding the Value of fifty Shillings. Given under our Hands, &c.

Warrant to view, weigh and work Tobacco, upon a Tender made in February, before two Justices, when the Tobacco was not demanded before the last of January.

K. Q. ff.

WHEREAS Complaint is made before us by *A. B.* that he being indebted unto *C. D.* of _____ County, in the Sum of _____ Pounds of sweet scented Tobacco,
Aranoco

the said *C. D.* hath hitherto refused or neglected to send for or receive the same, and that the said *A. B.* hath his Tobacco ready to comply with the said Debt in all Respects, and makes Tender thereof according as the Law allows him, in order to be discharged from the said *C. D.* We do therefore hereby nominate and appoint *P. Q.* and *R.* to view the said Tobacco, being first sworn before one of his Majesty's Justices of this County, and if they find it merchantable, to weigh and mark the same for the said *C. D.* and in order to their Compliance herewith, we do further hereby in his Majesty's Name, order and require you the Sheriff of this County of _____ or his Deputy, to summon the said *P. Q.* and *R.* to the Performance thereof, and that you take under their Hands an Account of what they shall do therein, and make return thereof to us. Given under our Hands the _____ Day of _____ Anno Dom.

Certificate by the said two Justices to the County-Court upon return of the View.

To the Worshipful Court of _____ County.

At the Request of *A. B.* we do hereby certify to the said Court, that on the _____ Day of _____ upon Appli-
N 2

An ABRIDGMENT of

Application and Tender of the said *A. B.* of *To-*
bacco, which he said he owed unto *C. D.* till that Time,
 had refused or neglected to demand or receive the same,
 we did appoint *P. Q.* and *R.* honest and able Men of
 the Neighbourhood of the said *A. B.* upon their Oaths to
 view the said Tobacco, and if they find it merchant-
 able to weigh and mark the same for the Credit of the
 said *C. D.* and thereupon we have received a Return of
 their View and Proceedings, which we have hereto an-
 nexed. Witness our Hands, &c.

*A Warrant for Levying the Fine for Disturbing the
 Minister in Divine Service, or for Appearing in
 any unseemly or undecent Gesture in Church at
 such Time, the first Offence.*

13 A.
 1680.

K. Q. ff.

A. B. Gent. one of his Majesty's Justices of the Peace,
 for the County of _____ to the Sheriff of the said
 County Greeting.

It being duly proved before me, that
 _____ or thus

It appearing to my own View that *D.* of
 _____ County Planter, in the Church of _____ Parish
 the _____ Day of _____ did _____ [recite the
 Fact] whereby he hath incurr'd the Fine of Two Hun-
 dred Pounds of Tobacco and Cask according to Law. I
 do therefore in his Majesty's behalf, hereby order and re-
 quire you to demand and receive of the said *D.* the said
 Two Hundred Pounds of Tobacco and Cask, and upon
 his Refusal or Delay of Payment thereof, to levy the same
 upon the Goods and Chattels of the said *D.* to the Use of
 our Lord the King, his Heirs and Successors, and for so
 doing this shall be your Warrant. Given under our
 Hand, &c.

*If it be not the first Offence after reciting the Fact,
 go on thus.*

WHEREBY he hath incurr'd the Fine of Five Hundred
 Pounds of Tobacco and Cask according to Law, this be-
 ing

ing the second [third, &c.] Offence of that Nature. I do therefore, in his Majesty's behalf, hereby order and require you to demand and receive of the said D. the said Five Hundred Pounds of Tobacco and Cask, and upon his Refusal or Delay of Payment thereof to levy, &c.

A License by a Justice of Peace to some of the tributary Indians to fish, oyster, or gather wild Fruits, &c.

K. Q. ff.

A. B. Gent. one of his Majesty's Justices of the Peace ^{42 A.} for the said County, to all whom these Presents may concern, Greeting. ^{1705.}

WHEREAS C. D. and E. Indians of the Town of have desired my License for them and six others, their Companions, to fish and oyster [or to gather Tuckahoe, Mitteminons, wild Oats, Rushes, Puccoon, and other wild Fruits and Roots] according to their wonted Custom at in their County, I do therefore hereby, according to the Power given me by Law in this Case, license and permit the said C. D. and E. and their said Companions in their said Desire for the Space of Days, from the Day of the Date hereof; provided none among them carry any Gun, Ammunition, or offensive Weapon, but only such Tools as shall be necessary for their aforesaid Services, and that they return according to the Time limited them. Given under my Hand, &c.

A Proclamation against an Out-lying Slave.

A PROCLAMATION.

K. Q. ff.

A. and B. Gent. Justices of the Peace for the said County, to all whom these Presents may concern. Be it known and manifest that Intimation is given to us, That R. N. and S. Negro Slaves of in County are run away from him; and lie out lurking and doing Mischief in this County, and will not be taken. These are therefore in his Majesty's Name to will and require the said Slaves, and every one of them forthwith to surrender them-

vid. Webb's Justice p. 250. c

An ABRIDGMENT of

themselves. And to authorise and require the Sheriff of this County to take such Power with him as he shall think fit and necessary for the effectual apprehending the said Slaves, and to go in search of them, if they, or any of them continue to lie out. And further we do declare the Law to be such, that after this Proclamation shall have been once published at the Door of any Church or Chapel in this County; it will then be lawful for any Person whatsoever to kill all, or any of the said Slaves, who shall not then immediately return Home. Given under our Hands the Day of *Anno Dom.*

To be published on a *Sunday* after
Divine Service, at the Door of
each Church or Chapel in the
County, by the Clerk or Reader.

An Attachment granted by a Justice upon the private Removal of a Debtor out of the County.

K. 2. ff.

46 A.
1710.

COMPLAINT being made to me by C. that D. is privately removed out of this County, or so absconds, that Process cannot be served upon him, and is indebted to the said C. *such a Sum.*

THESE are therefore in his Majesty's Name to will and require you to attach so much of the Estate of the said D. as will be of Value sufficient to satisfy the said Debt and Costs, and the same in our Hands to secure, or so to provide, that it may be liable for Payment thereof, upon further Proceedings therein to be had at the next Court to be held for this County: To which you are to make a Return of this Writ with an Account of what you shall do thereupon: Given under my Hand, &c.

*To the Sheriff of
County,
or his Deputy.*

A Warrant to imprison a disobedient Soldier.

FORASMUCH as *A. B.* of Troop in
County is proved before me mutinous and disobe-
dient at a Muster of the said Troop the Day
of Know ye therefore that I Captain of
the said Troop and Commanding Officer there present,
do hereby in his Majesty's Name order and command
the Keeper of the Goal of the said County to receive the
Body of the said *A. B.* herewith sent, and him safely keep
in the said Goal, without Bail or Mainprize, the full Space
of Ten Days, according to the Militia Law, making Re-
turn of his Proceedings therein to me. Wherein he is
not to fail at his Peril. Given under my Hand the Day
and Year aforesaid.

*An Account of Country Incouragements which for-
merly had been given by Acts of Assembly, but
are now repealed, or entirely dropt and neglected
by Assemblies.*

Anno

1661. IN the Revisal made that Year of the Laws, these
following Encouragements are found to be allowed
by the Publick.

Wound Silk the Pound, fifty Pound of Tobacco.

Linen Cloth the Yard, three Pounds of Tobacco.

Woollen Cloth the Yard, five Pounds of Tobacco.

Vessels built per Tun, fifty Pounds of Tobacco.

Virginia Owners of Sea Vessels exempted from all
Duties, but now generally are made to pay half.

Handicrafts Men following their Trade, made Levy
free.

Tan Houses built at the County Charge.

Soap and Salt Works encouraged by Loan of Money,
and taking it again in those Commodities.

166. Looms and Weavers in each County, at the County Charge.
1668. Work-Houses by the County-Courts and Vestries.
1673. Two Pounds of Flax or Hemp drest *per* every Titheable annually, and Seed distributed at the County Charge.
- 167¹/₈. *Virginia* Owners Fees to Officers lessen'd.
1680. Town Inhabitants Levy free.
1682. Flax Seed the Peck 24 *l.* of Tobacco.
 Hemp Seed 20
 Flax or Hemp drest the Pound 2
 Linen the Ell 6
 Woollen Cloth } the Yard 6
 Linsy Woolfy }
 Hat of Wool or Fur 10
 Yarn Stockings the Dozen Pair 12

Nothing of all this is now given or mention'd of late in Assemblies.





A N
ALPHABET
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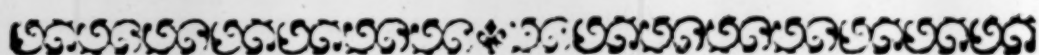


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